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Rivers William James

A SKETCH

OF THE

HISTORY OF SOUTH CAROLINA

TO THE CLOSE OF THE

PROPRIETARY GOVERNMENT

BY THE REVOLUTION OF 1719.

WITH

AN APPENDIX

CONTAINING MANY VALUABLE RECORDS HITHERTO UNPUBLISHED.

Rivers

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P R E F A C E.

THE writer of the present volume having been requested to prepare a History of South Carolina for the use of schools, entered upon the task, thinking it one of little difficulty. But he soon found that with respect to all the early period of our history, recourse must be had to original investigations. The materials collected in this research seemed too valuable to be lost; and it has been determined to issue the greater part of them as an Appendix, and to limit the extent of the volume (without an intention of proceeding farther) to the close of the Revolution of 1719, by which the colonial government was changed from the lords proprietors to the king.

The first six chapters and a portion of the seventh having been already composed simply with the view of preparing a text-book, nothing more is claimed for this volume than the fact that it casts some light upon the obscure and neglected period of which it treats.

The Grand Council from its various functions was, for a long time, the most important body in the government; yet we have their Records or Journals for about two years only of the fifty embraced in this History. On which account considerable space has been given in the Appendix

to materials relating to the earliest years of the English colonization.

The author has a summary of most of the papers in the State Paper Office of London, explaining the Letters, Instructions, &c., mentioned in the "List," and extending to 1776; but withholds it chiefly because, at his suggestion, the South Carolina Historical Society, lately established, is now receiving a more complete Index of a part of these papers; which it is hoped they will be induced soon to publish, together with other most important records of later periods of our history. For a full elucidation of these periods in particular, a general interest has been awakened by recent events. But such an elucidation of any period, it should be remembered, depends upon the accumulation of authentic materials; and we should all esteem it a privilege to contribute, in however small a degree, to the accomplishment of so desirable a result as the complete and truthful history of our State.

WM. JAS. RIVERS.

CHARLESTON, JULY, 1856.

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A SKETCH
OF THE
HISTORY OF SOUTH CAROLINA.

CHAPTER I.

Discoveries in the Fifteenth Century—Voyages to North America—Visits to the Coast of South Carolina—Vasquez de Ayllon—His First and Second Voyage—Verrazzano—Ribault—Charles Fort—Condition of the Garrison—Charles Fort abandoned by the French—Their subsequent establishment in Florida.

In the beginning of the fifteenth century, the Portuguese ventured to explore the western coast of Africa, and succeeded in reaching its southern extremity [1468], which they named Good Hope, in anticipation of the riches to be gained from a passage to India by sea. Before this fortunate termination of their efforts, Pope Nicholas had granted to their king and his heirs [1454] the sovereignty over all the countries which they had already discovered, and had forbidden the subjects of any other nation to visit those regions, without the permission of Portugal. It was believed at that period that the

Pope had the right of thus giving to whom he pleased immense portions of the earth; and for this reason his decree was respected for many years by the other European powers.

The design of Columbus was to find a different passage to India, by sailing westwardly across the Atlantic. His wonderful discovery of the New World [1492] in behalf of Spain, was soon followed by the doubling of the Cape of Good Hope [1497] by the Portuguese; and the reports of the marvelous wealth of the islands of the West, as well as of the East, were confirmed by the abundant riches which rewarded these enterprises. Another papal decree lavishly bestowed upon Ferdinand and Isabella [1493] the islands and continents in the regions discovered by Columbus, and threatened the penalty of excommunication against all who should interfere with their rights.*

But boundless portions of the world still remained to be explored, and the Pope's authority lost its efficacy: both because he had made, from what really did not belong to him, a donation of indefinite extent, and because such a gift became an injurious restriction on the commerce and enterprise of other nations. With justice also it began to be denied that any nation had the right to exclude all others

* For this singular bull of Alexander, with that of Nicholas in favor of Portugal, *vide* Vattel, b. i., ch. 18, ref. Leibnitz Cod. Jur. Gent. Diplom.; also, Cod. Diplom. Colombo. The right to make this gift was declared to be "Auctoritate omnipotentis Dei nobis in beato Petro concessa ac vicariatus Jesu Christi qua fungimur in terris." The conflicting claims of Spain and Portugal, arising from these papal decrees, were afterward settled by plenipotentiaries from each nation.

from vast and undefined regions which it could not itself people nor cultivate, and which it claimed merely from priority of discovery, without having taken such possession of the land as implied a permanent occupancy. Of course the rights of the original possessors of the land were not taken into serious consideration by the rival states of Europe; and those who had the power to acquire territory by the conquest of the Indians in America, or the tribes of Asia and Africa, easily found a justification or excuse for doing so in the general opinion, that heathenism should give place to Christianity, and a barbarous mode of life to the extension and development of civilization.

In the mean time, expeditions from England had attempted to sail to India and China by a north-west passage through America; for it was the prevalent belief of navigators that such a passage existed. An effort to accomplish the same object was also made by the English by sailing in a north-eastern direction into the White Sea. In the first series of these adventures, conducted by John and Sebastian Cabot, England gained the honor of discovering [1497] the main land of the American continent, fourteen months before it was reached by Columbus in his third voyage.

During the sixteenth century, numerous voyages were made to North America from England, France, and Spain; some under the patronage of the monarchs, with the view of extending their respective dominions; and others by adventurers or companies of merchants, who were ambitious of securing to

themselves a share of the rich commerce that had been opened to the world. From these voyages arose the conflicting claims of these kingdoms to various portions of North America; whilst South America fell to the possession of Spain and Portugal; and Holland, with her great maritime power, was bearing off from the Portuguese the honors of discovery and conquest in the East Indies.

But from the disappointment of the English, French, and Spaniards in their efforts to find a passage to India and in their hopes of sudden wealth from their expeditions to North America, and from the absorbing affairs of Europe, which was continually distracted by wars and religious dissensions, more than a hundred years were allowed to pass before the English effected a permanent settlement in Virginia [1607], and the French in Canada [1608]. About forty years before these events the Spaniards had laid the foundation of St. Augustine [Sept. 1565]; their occupancy having been hastened by the efforts of the French Protestants to establish themselves at Port Royal, in what is now the State of South Carolina, and which was claimed by Spain as a part of the region she had discovered and had named "Florida."

From this brief glance at the interesting course of events that rendered famous many bold and skillful navigators, we will now turn our attention to the visits which were made to the coast of South Carolina, and the occurrences which took place chiefly within our present borders.

The Europeans who first arrived on the coast of

South Carolina were those who formed the expedition from Hispaniola, in 1520. In this adventure Lucas Vasquez de Ayllon was interested as a partner; and although he did not accompany it, his subsequent activity in seeking his personal advantage from its results, has caused his name to be particularly associated with it. Two vessels were fitted out by himself and six others, for the purpose of seeking in the islands of Lucayos, north of Cuba, a supply of Indians to work as slaves in the gold mines of Hispaniola. Either they were disappointed in their object, or (as others said) were driven beyond these islands by a tempest which lasted two days; and more by chance than through the design of discovery, they reached the coast of North America about the latitude of thirty-two degrees. They entered a bay, a cape of which they named St. Helena, and a river in its vicinity they called the Jordan. On one side of this bay was a portion of country called by the natives Duharhe, or Gualdape, and on the opposite side, Chicora.

As the vessels approached, the Indians came down to the coast in crowds, wondering at their strange appearance, but fled again to the covert of the forest as soon as the Spaniards began to disembark. Some young men from the crew were sent in pursuit, and succeeded in overtaking a man and a woman, whom they brought to the vessels; and having given them food and drink, and clothed them in Spanish costume, they allowed them to return to the forest. The Indians being thus assured of the friendliness of their strange visitors, sent them a present of provisions,

and welcomed them with great hospitality. After some stay on this coast, and a partial examination of the adjacent country, the Spaniards invited the trusting natives on board to an entertainment; and watching till the decks were most crowded, they suddenly drew up the anchors and unfurled the sails, carrying off to a wretched fate the guests whom they had just received with so much appearance of friendship.

One of the vessels foundered at sea, and all on board perished. Many of the captives in the remaining vessel were so filled with grief, that they refused to take food, and died before the end of the voyage. Of those who survived and were carried into bondage, some also languished and sank under their sufferings ; and, the rest became so feeble that they were distributed among the people to be employed as domestic servants or in the lighter task of husbandry. The Senate of Hispaniola (of which Vasquez was a member) were indignant at the cruel kidnapping of these Indians, and desired to send the survivors back to their native country.*

* This account of Vasquez's first voyage depends upon his relation of it to Martyr, and the less objectionable testimony of his contemporaries, Galvano and Gomara. The captive whom Vasquez took to Spain seemed to acquiesce in any story his master made, such as that the Indians of Duharhe were white—that there was a great king named Chiquola or Chichora, by which name Vasquez was pleased also to call the country ; and which Bancroft, Stevens, and two of our own writers, have inadvertently stated to have been the Indian name of the whole State. The captive also related that there once was a race of men in his country who had tails a span long and of a bony hardness, and who had to dig a hole in the ground to put these appendages in, when they wished to sit down.

The reiterated statement in our authors, that the "Jordan" is the

But Vasquez having gone to Spain on business connected with the public affairs of Hispaniola, carried with him one of the captives, and made such use of the interest excited by this native of the New World, and by the marvelous stories which he himself fabricated, that he obtained from the Emperor Charles V. (after whom the Indian was christened Charles of Chicora) a commission to conquer and govern the country which had been discovered.

For this purpose he returned to Hispaniola, where he armed three vessels, and elated with hopes of fame and fortune, set sail from the city of St. Domingo in the year 1525. The true events of this expedition are not clearly known. It appears that he reached in safety the place which had been before visited, that one of his vessels was stranded in the river Jordan, and a large number of his men whom he sent on shore perished, through their own carelessness, by the hands of the natives. We are told that Vasquez thereupon returned to Hispaniola, and died of grief on account of the failure of his plans. But this is not probable, both from his own character, and from the fact that he still had ample means for prosecuting his designs. Perhaps another report is true, which states that he died after arriving on the coast of America; that dissensions and slaughter occurred among the principal men of his company for the chief command; and that in the wanderings and mis-

Combahee, I am not prepared to adopt, after a close examination of the accounts of early voyages, old maps and charts, and a comparison of Indian names that have been handed down to us. If, however, we believe that Cutisi-chiqui was the old name of Silver Bluff, the Jordan could not have been far from the Savannah river.

fortunes which ensued, many of the soldiers died of starvation ; and out of six hundred who had reached the coast only fifty-seven lived to return.*

The failure of this expedition, and the equally disastrous fate of Narvaez and of De Soto and their numerous companions, seem to have disheartened the Spaniards. At least, they were now convinced that quarries of gems and countless mines of gold and silver were not to be found in this part of North America ; and their abandonment of the country for forty years left it open to exploration and occupancy by adventurers from other European states.

In January, 1524, Giovanni Verrazzano engaged in a voyage of discovery in behalf of Francis I. of France. He reached the continent in 34° N. Lat., and sailed about "fifty leagues" southward along our coast, searching for a harbor, but turned again toward the north, and landed probably in the neighborhood of Capé Fear River. It was then the spring of the year, and the clearness of the sky, the mildness of the climate, the refreshing verdure of the land, and the friendliness of the natives, inspired him and his followers with great admiration. He continued to sail northwardly along the continent, sometimes landing to examine the country and obtain a knowledge of its inhabitants, until he reached 50° of N. Lat., when his provisions began to fail, and he returned to France early in the month of July.

* The discrepancies regarding the second expedition of Vasquez will appear from consulting the statement of Galvano in Hakl. ; Barcia's Ens. Chron. in Sparks' Ribault ; De Laet's Novus Orbis ; the Relation of an Eye-Witness in Hakl. ; and Force's Coll., vol. 4 ; and the Letter of Biedma to King and Council, in Hist. Coll. Louisiana.

In his interesting narrative of his voyage he disclosed the object of the expedition, which was still the finding of a passage through America to the East Indies.*

On account of this discovery and those made in Canada, the French claimed the greater part of North America, under the title of New France. But their attention was withdrawn from their interests in these distant regions by the civil and religious wars which destroyed their peace and security at home. At length Coligny, Admiral of France, and a leader of the Huguenot party, obtained permission from Charles IX. to establish a colony of Protestants in America; a permission willingly granted by that monarch, the annals of whose reign were destined soon to be stained by the horrid massacre of St. Bartholomew's day. Coligny had before endeavored to form a Protestant colony in Brazil, but his benevolent design was frustrated by the division and defection of its leaders.†

The voyage now undertaken was to be chiefly directed to the discovery of a suitable place for the colony, and men of bravery and endurance were required for the perils and difficulties to be encountered. Consequently, on the 18th February, 1562, Jean Ribault was sent out in command of two of the king's ships and a company of veterans, together with many gentlemen, who joined the expedition from the uncommon interest which its object awakened; so that they had the means, says Laudonnier, "to

* There is but one authentic document relating to Verrazzano, namely, his Letter to Francis I., first published by Ramusio. See for additions subsequently discovered, N. Amer. Rev., Oct. 1837.

† Charlevoix Hist. Nov. Fr.—*Mémoires sur l'Hist. de France*, vol. 32, p. 414.

achieve some notable thing, and worthy of eternal memory."

The course of navigation from Europe to America, had usually been by way of the Spanish islands in the West Indies. Ribault boldly ventured directly across the Atlantic; and on the 30th April reached the continent in 30° N. Lat. He landed at a river which he called the May, because he discovered it on the first day of that month. This is the St. John's River in Florida. The natives, both men and women, came to the shore to receive the French with presents of fruit, baskets of corn, and dressed skins. Wherever Ribault met the Indians on the coast, the same friendly reception rewarded his peaceful offering of trinkets and his gentle efforts to conciliate their goodwill. Near the mouth of this river, on a hillock of sand, he caused a pillar of stone to be erected, on which were engraved the arms of France, and by which he signified that he took possession of the country for his king. The simple natives having beheld the religious worship connected with this ceremony, crowned the pillar with garlands of laurel after the departure of their visitors, and long esteemed it an object of superstitious reverence.

The reports of the Spaniards who forty years before had visited this part of the continent, induced the French to search for the river Jordan. For about four weeks, therefore, Ribault sailed along the land toward the north; the two ships continuing in the open sea, because they were on an unknown coast, while the pinnaces or small boats moved nearer the land. The names of various rivers of France were

fancifully given to the streams which were found emptying into the sea, or to inlets which were mistaken for the mouths of rivers. At length stormy weather came on and dense fogs, which caused the ships, for their safety, to put out to sea, and Ribault lost sight of the pinnaces for a day and night. The next morning the weather was clear and the sea calm. He soon discovered his boats, and was informed that they had found shelter in a fine harbor at the mouth of a large river.

To this harbor he now gladly repaired to obtain fuel and fresh water, and to refit his vessels after his long voyage. Here, on the 27th May, he cast anchor in a depth of ten fathoms, at the opening of a spacious bay, which from cape to cape was three leagues wide, and formed the entrance to a noble river. The name of Port Royal was given to this river, on account of its size and the beautiful scenery around it. The harbor he esteemed one of the best and fairest in the world ; and it was said that the largest ships of France, "yea, the argosies of Venice," could enter in there.

Having moored his vessels, Ribault with his soldiers went on shore, and was equally delighted with the stately cedars, the wide-spreading oaks, and fragrant shrubs. While they walked through the forest, flocks of wild turkeys flew above their heads, and around they beheld partridges and stags, and imagined that they heard the voices of bears and leopards, and of "divers other sorts of beasts unknown." On returning to the ships, they cast their nets in the bay, and caught fishes in numbers so wonderful, that two

draughts of the net supplied enough for a day's food for the crews of both ships.

Ribault explored with his pinnaces the adjacent country; and noticed one branch of the river leading to the west, and which was subsequently found not to penetrate far into the interior; and another leading to the north, and by which he supposed he might reach the river Jordan. The former branch was doubtless the Broad River, and the latter, the Port Royal River. He noticed also that between these was an island, (which is now called Paris Island,) pointing toward the entrance of the river where his ships were anchored. These branches were reckoned to be two leagues wide. When he had proceeded up Broad River about twelve leagues, he found a smaller branch leading toward the east, which was probably Whale Branch, uniting with the Coosaw above Beaufort.

While going up Broad river, he noticed a number of Indians on a neck of land, roasting an animal, which was thought to resemble the "lucerne," (and which was no doubt a wild cat,) and he therefore named this place Cape Lucerne.* The Indians fled at the approach of the French, leaving the animal at

* The lucerne of Laudonnier (Hakl.) is called in De Bry, *lupi cervarii catulus*, which my friend Dr. Bachman tells me is the common wild cat, (*lynx rufus*), which the Indians eat. "The negroes," continues Dr. B., "think it a delicacy; and from what I have seen of it when cooked, I judge that it is rather a delicacy when the animal is fat." Lawson says, "By the way, our guide killed more turkeys, and two *polcats*, which he eat, esteeming them before fat turkeys;" "the Indians love to eat their flesh, which has no ill smell when the bladder is out." (Hist. of Carolina, Lond. 1718; pp. 27 and 119.)

the fire. Others also whom he afterward met, hid themselves in the woods. Their timidity, however, was soon overcome by the sight of various articles of merchandise, and by the friendly gestures of the French ; and they, in their turn, brought presents of deer skins and baskets made of palm leaves, and a small number of pearls. They also prepared to build an arbor of boughs to shelter their visitors from the heat of the sun, and sought with manifest goodwill to induce Ribault and his party to remain with them. After a few days he returned to these Indians with a band of soldiers, for the purpose of taking two of them to carry to France, in accordance with the command of the queen. Verrazzano had carried off an Indian on his return from America, as did Vasquez, Columbus, and other voyagers ; perhaps not so much to gratify the curiosity of people at home, as to instruct the captives in their language, and thus obtain some information of the interior of the country and its mines of gold and silver.

The Indian chief permitted two of his men to accompany Ribault ; and they, thinking themselves more favored than the rest, gladly entered his pinnace. But when they perceived that they were to be carried to his ships, they attempted to escape, and would have jumped into the river. Neither kindness nor handsome presents could reconcile them to a separation from their friends. After being detained some time on board the ship, they escaped by night in a small boat ; leaving, however, all the gifts they had received., Ribault did not regret their escape, for he thought that they could only increase the good-will

of their tribe toward the French by an account of his liberality and kind treatment.

Ribault now proceeded to take possession of these regions in the name of his king and country. Another stone pillar, engraved with the French armorials, was brought from his ship in the pinnace, and he sailed up Broad River about three leagues, until he reached an island separated from the main land by a small stream, through which he sailed till he found on the island (which is believed to be Lemon Island) a hillock commanding a beautiful view ; here he erected the pillar near a small lake of fresh water. In the immediate neighborhood of this spot was another island, which he named the Isle of Cedars.

Having thus explored to some extent the surrounding country, and performed the ceremony of taking possession of it, Ribault determined to leave a garrison to keep this beautiful situation ; while he returned to France to report to Admiral Coligny what he had accomplished, and to procure further aid in establishing a permanent settlement.

After the delivery of an animating address, twenty-six of his followers volunteered to remain, over whom Capt. Albert de la Pierria was appointed commander. Ribault next proceeded to select a spot for a fort. He ascended the Port Royal River along Paris Island, until he met a stream on the left, deep enough to harbor vessels of small size ; and after advancing some distance, he found an open situation on the bank of this stream, where he marked out the dimensions of a fort, suitable for the small garrison which he was about to leave. The stream he named

the Chenonceau, and the fort Charles Fort, in honor of his king. There are many reasons for believing that Charles Fort was built on the eastern side of Paris Island, where there are still the traces of its intrenchments, on a commodious creek called Pilot's Creek.*

After the crews of the ships had actively assisted in digging the trenches and constructing a part of the fort, Ribault supplied it with tools, provisions, and warlike stores. At ten o'clock next morning, which was the 11th June, 1562, he and his companions took leave of the garrison, and fired a salute to Charles Fort, whose battlements were the first in North America from which waved the flag of France. The salute was answered from the artillery of the fort; and Ribault sailing from the harbor of Port Royal, turned his ships northward, still in the vain search of the river Jordan. After sailing about fifteen leagues, the mouth of a river was discovered, (perhaps the Edisto,) but the pinnace found the depth of the entrance only half a fathom, from

* In a letter from Capt. George P. Elliott, than whom there is no higher authority on the local history of Beaufort, I am informed that these intrenchments correspond with the length and breadth given by Laudonniere—that the fort was built of earth, with a fosse around it, in which the tide was admitted—that it had flanks for cannon—that the trees upon it are of the growth of centuries—that grapeshot and pieces of very old crockery have been found about it. "There is no mention of it," he continues, "in any history of South Carolina. The 'Old Fort' (Spanish) as claimed by tradition, is situated four miles below Beaufort." Fort Marion is two miles nearer to Beaufort. Both of these forts are on Port Royal Island. "Fort Charles" is situated on the south-eastern point of Paris Island, is open to the ocean, situated upon a small creek which can be reached by "pinnaces on the flowing of the tide," &c.

which circumstance Ribault named it Shallow River, and sailed on. The coast continued to vary from six to three fathoms at six leagues from land, and the weather began to be threatening. Ribault therefore called a council of his men; and in consideration of their immediate dangers and the condition of their provisions, (much of which had become spoiled,) and especially on account of what they had already successfully performed, they determined to sail directly for France; and there they arrived on 20th July, after an absence of five months.

The natives on the sea-coast and in the neighborhood of Port Royal had shown so amicable a disposition, that Ribault entertained no fear of danger to the small garrison left at Charles Fort. They had the means of maintaining the friendship of the surrounding tribes, by presents of knives, hatchets, clothing, toys, trinkets, and iron utensils, and the still more efficacious means of fire-arms and superior deadly weapons. But the time of Ribault's return from France was indefinite; while, on the other hand, it was certain that they would soon consume the provisions in the fort, and perhaps exhaust their means of purchase. The Indians were very improvident, not planting more corn than would serve for one season, being accustomed to spend the winter months in the forest where they lived on bread made of acorns, and on turkeys, venison, and other produce of the chase. The safety of the garrison, therefore, depended on their tilling the fertile lands adjacent to the fort, and raising a supply of food, which they had ample time to do; but which, being

used to the unthrifty habits of soldiers, they entirely neglected, and brought, in the end, many miseries upon themselves.

Their attention was first devoted to the completion of the fort. Its dimensions had been marked out by Laudonniere and Capt. Salles, and were ninety-six feet in length, and seventy-eight feet in width, with flanks in proportion. Their next object was to explore the interior of the country, and secure the friendship of the inhabitants. A party sailed up Port Royal River and were entertained by Audusta, who told them of other chiefs in the neighborhood named Mayou, Touppa, and Stalame; the last living a day's journey north of Charles Fort. Their friend, Audusta, invited them at this time to a peculiar religious festival, in which the priests and principal Indians performed many strange ceremonies, singing their mysterious name, He-To-Ya. The celebration concluded on the third day; and as they had fasted during the interval, they came to the feast which was then prepared with ravenous appetites.

The French on their return to the fort were compelled to devise means for procuring provisions, as they had nearly consumed all that Ribault had furnished them with. Unfortunately at this period the Indians had sown the surplus corn which they had kept, and the crops were not yet ripe. The tribe of Audusta, however, supplied them to their own inconvenience, and sought for themselves such food as the streams and forests afforded. The French were advised to apply for succor to Ovade and his brother, Conexis, a powerful chief who lived in the direction

of the Savannah River. With an Indian guide they put to sea in their pinnace, and found Ovade on the river they had named the Belle, about twenty-five leagues from Charles Fort. They returned with their boat laden with millet and beans. The garrison being in the midst of plenty, were again careless and at their ease. But while they slept, the house* within the fort in which they had stored their supplies was accidentally burned, and but little of the provisions was saved from the flames. With the friendly assistance of the Indians their house was soon rebuilt; but they were again forced to seek for food from Ovade, who could only supply them by borrowing from his brother, Conexis. They were liberal in making presents in return, and Ovade showed them his fields of growing corn, and assured them that while he could aid them they should not want. But what delighted them most was the gift of some pearls and silver ore, and the news that silver could be found among the mountains toward the north, at a distance of ten days' travel. "Now," said they, "we have come to the knowledge of what we most desire."

But, indeed, their greatest troubles were at hand. Capt. Albert was a man of imperious temper, and

* "Mais peu apres, par la negligence de quelques-uns, la plus grande de leurs maisons fut bruslee, sans qu'ils peussent sauver qu'un bien peu de leur provision, et encore à grand peine."—De Laet, 1640. Laudon says, the fire broke out "in their room that was built for them before their departure." Two of our recent writers strangely represent the *fort* as being consumed, and rebuilt by the aid of the Indians in *twelve hours*. Their mistake, perhaps, was derived from Charlevoix: "Le feu prit au fort qui fut consumé en peu d'heures avec les magasins."

rigid in enforcing discipline in the garrison; while, at the same time, the privations of the soldiers diminished their alacrity and quiet subordination. Partialities and dissensions arose on account of the execution of a drummer named Guernache, for a fault that was not thought by his fellow-soldiers to deserve so severe a punishment. But as their disaffection increased, Albert grew more stern and harsh. Lachere, another of the garrison, was banished to an island three leagues from the fort, where he was to be furnished with food every eight days; but this, it is said, was cruelly withheld from him. The garrison now broke out into open mutiny, murdered Capt. Albert, and bestowed the command on Nicholas Barré.

They had been expecting, day after day, the arrival of Ribault from France. With the continued disappointment of their hopes, they began to seek the means of returning by constructing a small vessel. They had carpenters among them; and a forge and iron and tools had been prudently left in the fort by Ribault. What they needed most were sails and cordage. Resin they procured from the pine, and moss from the oak, with which they calked their vessel. Finally, they turned their sheets and shirts into sails; and Audusta and Maccou, promising to furnish them with ropes, retired to the wood with their subjects, and in the space of two days made cordage enough for the rigging; no doubt, from the inner bark of the trees. In their gratitude, the French, at their departure, left to these chiefs all the merchandise that remained in the fort. But while

they embarked in their weak vessel the artillery, forge, and munitions of war, they took, with strange inconsideration, but a small supply of food, though they had then an unusual abundance at hand.

The wind being favorable they set sail, and had gone only about one-third of the distance across the Atlantic when they were delayed by calms, and in three weeks advanced only twenty-five leagues. Their provisions were already so diminished that the daily allowance to each man was but twelve grains of millet. They were next compelled to eat their shoes and leathern jackets, and to drink the water of the sea. Some died of hunger. The boat leaked on all sides, and required constant bailing. To augment their misfortune, a storm arose and injured their frail vessel so much that in despair they ceased their exertions, and laid themselves down to die. One more courageous than the rest inspired them with hopes of safety if they could survive for three days longer. This time elapsed, and still nothing but the sea and sky surrounded them. Then lots were cast; for they agreed that one should die that the rest might live. It chanced that the lot fell to Lachere, whose life they had saved by rescuing him from the island, and he now willingly gave back the boon to his starving friends.

Shortly after this they were met by an English vessel and carried to England. Ribault had not been sent to succor them at Port Royal on account of the war which prevailed in France. As soon as peace was restored, Coligny revived his project of colonization; and Laudonniere was dispatched in command

of these ships, and reached America in June, 1654, on the coast where he had first arrived in company with Ribault. He must have received information before he set sail of the abandonment of Charles Fort, for he did not visit it again. He says, in his narrative, that the haven and situation there were indeed most beautiful, yet more abundant supplies of food could be obtained at the river May; "besides, the gold and silver that was found there, a thing that put me in hope of some happy discovery in time to come." He therefore built on that river a fort of a triangular shape, which he named Fort Caroline, and lived there two summers and a winter. In February, 1565, he sent one of his ships, under Capt. Vasseur, to visit Port Royal, and to look for a soldier named Rouffi, who had been left there. It was found that he had been taken off by a Spanish vessel and carried to Hayana. Capt. Vasseur was the bearer of presents from the French, such as knives, hatchets, and clothing, to their old friend Audusta, who offered them land if they would come and settle in his neighborhood.

The fortunes and fate of the garrison at Fort Caroline are among the most romantic occurrences of that period. Laudonnier became the ally of the Indians in his neighborhood, who were at war with the tribes that lived higher up on the St. John's River, and were said to possess a country containing mines of gold and silver. Being unsuccessful in these maurauding expeditions, dissatisfaction and disaffection arose in his garrison, and finally some of his soldiers deserted with two of the ships, and sailed to

the West Indies as pirates. Ribault was now sent from France to supersede Laudonniere, and arrived when the latter, surrounded with difficulties, was on the point of abandoning the settlement. But Ribault's fleet had been followed [1565] by another from Spain, under command of Melendez, whose object was to destroy the French Protestants, or drive them from the lands which the Spaniards claimed as their own. Both fleets suffered many disasters from storms and shipwrecks on the coast; but, in the end, Melendez surprised the feeble garrison of Fort Caroline, and massacred, with revolting cruelty, all who fell into his hands.

The King of France viewed with indifference the slaughter of the Protestant colonists. The barbarous act of Melendez, however, inspired their countrymen with such horror, that the Chevalier de Gourges expended his private fortune, and secretly collected a company, with whom he sailed for America. Having united to his forces many of the Indians, he, in turn, surprised the Spaniards and recaptured Fort Caroline. After inflicting on the garrison the retaliation they fully deserved, he demolished the fort and returned to France. It is said that beneath the trees, on whose branches Melendez hung his French prisoners, was placed an inscription—"I do not this as to Frenchmen, but as to heretics." De Gourges hung the Spaniards to the same branches and altered the inscription—"I did not do this as to Spaniards nor as to infidels, but as to traitors, thieves, and murderers." [May, 1568.]

CHAPTER II.

The Indians who inhabited South Carolina—Their Numbers and Situation—Remnants of Tribes—Migrations—Towns—Government—Religion—Domestic condition—Intercourse and Alliances—Trade with the Whites—Traders—Indian Warfare.

WITH the exception of the Esquimaux, the Indians in America, whatever may have been their origin, appear to have belonged to the same race.* In the course of thousands of years they were separated into distinct nations and tribes, that differed from each other more in language than in habits or physical characteristics.

In Europe we still find reminants of ancient Caucasian nations on the extreme shores of Spain and France, and in Wales, Scotland, Ireland, and the adjacent islands. In North America the course of migration, on the contrary, was from west to east. Tribes of Indians who had battled in vain against advancing tribes were dispersed, according to their traditions, “to the salt water”—to the promontories and isles of refuge along the Atlantic coast.

The ancient Indians, who constructed the enclosures and mounds existing in the Mississippi valley, had extended their habitations within the borders of our State to the eastward of the Waterree River.† But all knowledge of those more improved people had been lost long before the discovery of America.

* See Trans. of Amer. Ethnol. Soc., vol. ii.

† See first vol. published by Smithsonian Institute.

The Indians who lived here when the Europeans first came, could not tell at what period, or for what purpose, these large mounds had been constructed.

The French and Spanish expeditions, noticed in the preceding chapter, afford only an unsatisfactory knowledge of some of the small tribes on the coast. We must, therefore, turn to a later period to find a less deficient account of the barbarous multitudes who filled our land from the seaboard to the mountains.

The Cherokees extended through Georgia and the north-western part of South Carolina. Their hunting grounds stretched onward between the Saluda and Broad Rivers. About 1735 they mustered six thousand warriors, who were reduced to twenty-three hundred in 1775.*

The Catawbas dwelt on both sides of the Wateree. In 1700, they had fifteen hundred warriors. In 1743 these were reduced to four hundred, including portions of broken tribes who had lived in their neighborhood.

The Muscogee, or Creeks, possessed the country on the Savannah River, south of the Cherokees. In 1775, their warriors were computed to be thirty-five hundred.† The total of men, women, and children in each nation may be estimated at about six times the number of warriors.

The Choctaws and Chickesaws lived further toward the Mississippi River, at a distance of eight hundred miles from the English settlement in South Carolina.‡ The degree of intercourse between these

* Adair, p. 226.

† Ibid, p. 257.

‡ Gov. Glen.

Indians and the whites may be shown by the statement, that in 1751 there were twenty-eight English traders among the Creeks, seventeen among the Cherokees, two among the Catawbas, and but one for both the Choctaws and Chickesaws.*

The precise limits of the various tribes and nations were never ascertained by government,† though there were undoubtedly such limits in every nation that had strength enough to maintain its independence and permanence.‡

Some of the small tribes north of the Santee and east of the Wateree, were the Santee or Seratee, Hooks and Back Hooks, Winyaws, Peepees, Wacc-

* MSS. in Sec. of State's Off.

† Adair, p. 223.

‡ That the Cherokees had a permanent abode is evident from their holding the same lands at the period of our Revolution which they held before 1693, at which time they sent a deputation to Charleston. The Catawba country is part of the same which their nation held, perhaps, for centuries before the arrival of the English, as they are reported to have been at war with the Five Nations time immemorial. In Oglethorpe's Treaty of 1739, it is said that from the seaboard in Georgia to the Mountains, was the ancient possession of the Creek Nation, maintained against all opponents, and that they could "show the heaps of bones of their enemies, slain by them in defence of said lands." At this period the Upper and Lower Creeks were computed at 25,000 men, women, and children. Previously, in a treaty with the Governor of South Carolina, they had claimed the lands south-west of Savannah River, beyond which the colonists of South Carolina agreed not to settle. They do not appear, however, to have extended their towns to the coast, for Oglethorpe in his letter of 10th Feb., 1733, speaks of "a little Indian nation, the only one within fifty miles" of Savannah. This people, under Tomo-chi-chi, had been "banished" from the towns of the Lower Creeks. (Vide Conference with Oglethorpe, May 18, 1732. Force's Hist. Tracts, vol. 1.) It must be remarked, too, that the lower towns were not peopled by the Muskogees proper, or Creeks, (so called from the numerous creeks in their territory) but by remnants of the Oosecha, Okone, and Sawakola nations. (Adair, p. 257.)

maws, Kadapaws, Weenees, Wateree, Chichanee, Waxsaws, and Saraws; and northward of these, the Enoes, Toteros, Saponas, and Keyauwees. These tribes were feeble in condition, and generally without combination. They often waged a petty, though destructive warfare against each other. Those that did not sink into complete decay on their own lands, migrated to other places, or embraced the protection of the Catawbas, whom so many remnants had joined, that in 1743 twenty dialects were spoken among their small band of warriors.*

The Congarees, on the river which bears their name, were an idle and squalid people. They had been greatly reduced by intestine feuds and by the small-pox, which from their strange mode of treatment was a fatal disease among all the Indians.† The few who remained found refuge with the Catawbas. The latter had once the custom of flattening the heads of their infants to make them better hun-

* Adair, p. 224. It is impossible to trace these remains of "broken tribes," after their union, or rather complete coalescation, with the larger tribes. Such union implied the abandonment of every thing that would distinguish them from the superior tribe. "I am informed," says Adair, p. 267, "by a gentleman of character, who traded a long time near the late Alabhma garrison, that *within six miles* of it live the *remains of seven Indian nations*, who usually conversed with each other in their own different dialects, though they understood the Muskoge language; but being naturalized, they *were bound to observe the laws and customs of the main original body.*" See also Barton's New Views, 1798, p. 45.

† They generally heated themselves in a large oven, and immediately plunged into the river. (Lawson. See also Catlin's N. Am. Indians, where the same practice is mentioned.) The Cherokees reported that in *one year* they lost *three thousand* warriors by the small-pox and intemperance. (Force's Tracts, vol. 1.)

ters, it was believed. The Waxsaws who lived near the Congarees were the only Indians in South Carolina who retained this peculiar custom. But the diversity of these small tribes is more clearly shown by the fact, that though they lived only "ten or twenty miles in distance" from each other, their languages were quite different.*

Within a short time after the founding of Charles Town, the coast thence to the Santee was possessed by the English. The intervening islands were used for raising hogs and cattle. On Sewee Bay was "a deserted Indian residence," and doubtless many of them were in every direction. The Sewees, besides having been wasted by the small-pox and drunkenness, had lost, before they moved from the coast, the best portions of their tribe by sending, after solemn deliberation, a grand commercial expedition to England in canoes. Their range of hunting ground was probably between the Santee and Monk's Corner, where it met the lands of the Etiwans or Ittawans on the south and those of the Santees and Congarees stretching down from the north and north-west.†

Westward of Charles Town were also many remnants of nations. The Kussoes lived north-east of Combahee River; the land of the Cacique of Combahee being bounded in this direction by the land of the Kussoes.‡ The Westoes lived in Beaufort district. They were at an early period driven out by the Savannahs§ or Yamasseees, who belonged to the

* Lawson.

† Statutes at Large, years 1691 and '95.

‡ Book of Grants, 1682, Seer. Off.

§ Gov. Archdale, p. 89.

Lower Creek nation.* The tribes of St. Helena, Wimbee, Edisto, Coosaw, Stono, and Kiawaw, who with the Santees, Seewas, and Etiwans were commonly called Cusabees, lived between Charleston and Savannah.

Some of these surrendered their lands to the English; others migrated or dwindled into insignificance prior to 1707.†

The Saludas deserted their towns, on the river of that name, and removed to Pennsylvania.‡ In their migrations, the weaker tribes sometimes removed their abode hundreds and even thousands of miles.§ In 1734, a delegation of twenty-six Natchee Indians applied to the governor of South Carolina for permission to settle their nation on the Savannah.|| In 1753, a party of the Shawnees, from the Ohio, were arrested on suspicion while on their way through the province to join the Creeks.¶ The Yamassee and Tuskaroras were warlike and adventuresome tribes. Hence we find them in various places. The latter once dwelt between the Savannah and Altamaha.** After conflicts there they settled in North Carolina. Coming in conflict with the whites, and being greatly reduced, they united themselves with the confederate

* Speech of the Cowecta chief in conference with Oglethorpe. Force's Tracts, vol. 1.

† Statutes, 317 and 641. Bk. of Grants, MS. 1683.

‡ See Monson's Map.

§ Lawson, p. 170. Barton, p. 32, and Appendix.

|| Carolina Gazette.

¶ Ind. Bk. Secr. of State's Off. See also MS. Council Journal, p. 24, 1753.

** Stephens' Georgia.

nations on the frontiers of New York.* Some of them were also living at Port Royal in 1721. In like manner the Yamassees, having renounced their alliance with the Spaniards, who had executed several of their chiefs, removed to Beaufort district between 1680–90, and were conspicuous there until their defeat and expulsion in 1715. A remnant of them lived with the Catawbas in 1743; but the main portion retreated to Florida, from whom the Seminoles are said to be descended.

We will here present some general remarks on the Indian towns, government, religion, domestic condition, intercourse and alliances, trade with the whites, and mode of warfare; leaving other subjects to be elucidated as they shall appropriately attract our attention in the course of this history.

The Indian towns were more or less adjacent, in accordance with the extent of territory free from incursion, and the scarcity or abundance of game. It was remarked of the Creeks that their warlike habits were strengthened by living closely together for the sake of mustering on a sudden against attacks of the neighboring Choctaws, and from the necessity of hunting at a great distance from home. The towns were invariably situated on a river or stream,† and contained each about fifty or sixty warriors.‡ Polyg-

* Williamson—Humphrey's Prop. Gos. p. 305. 3 Statutes, p. 141.

† For ablution and fishing. The young Indians were very expert in taking fish with reed harpoons, searching their accustomed retreats among rocks and beneath the steep river banks.

‡ In 1740, the lands along the Savannah, from Ebenezer to Briar Creek, were in possession of the Euchees. Their town contained but one hundred inhabitants: "Few of them stay now in the town, choosing

amy was allowed in most tribes, and the women led a very dissolute life from early age till marriage. In a prosperous nation the towns averaged three hundred men, women and children. Among broken and dispersed nations the towns were reduced to an insignificant number of inhabitants. There were neither numerous tribes nor large towns between Charleston and the Catawbas, nor westward, except the Cherokee towns, which in 1750 did not average more than fifty warriors.

These towns were independent of each other in government,* if we can so call what was "simply natural, as little complicated as that which is supposed to direct or rule the approved economy of the

rather to live dispersed." There was another settlement of Euchees at Silver Bluff, (Force's Tracts.) In 1757, thirty-two towns of the Cherokees contained but 1990 warriors. (Ind. Bk. Secr. Office.) Thirty-one towns in North Carolina, in 1708, numbered but 1608 sensible men. (Williamson, p. 282.) The Sewee, Santee, Wateree, Waxsaw, Winyah, and other remnants of tribes were feeble and scattered, and where they dwelt together their huts could not properly be termed towns. The towns enumerated by Lawson, (p. 234,) contained from eighty to only six or ten fighting men.

* The towns of the Lower Creeks "have each their different government, but are allied together, and speak the same language." (Force's Tracts, vol. 1, No. 2.) "Every town is independent of another—their own friendly compact continues the union," (Adair;) and such were the tribes found by Vasquez and Laudonnier, in the sixteenth century, and also in our own day in the West. "With respect to government, during all the time we have had them for neighbors, they may be said to have had no government at all. Personal independence has kept the petty chiefs from forming confederacies for the common good. Individuals have surrendered no part of their original private rights, to secure the observance of the rest. There has been no public organization expressed or implied. The consequence has been that the law of private redress and revenge prevailed." (Schoolcraft, 1851.) The documents which are sometimes found in the official MSS. representing

ant and the bee."* There was no exclusive executive authority. The greatest man insensibly became king, and was only regarded as bravest or wisest, not as lord and dictator. On important occasions he called together a Council † of distinguished elders, who after solemn deliberation made known their decision to the young men of the town, exhorting them to put it in execution under the guidance of such war-captains and head-men as had won their leadership by exhibitions of superior bodily and mental endowments. Certain conjurors and quacks, sometimes called priests, also held a high position among them, being believed to commune with spirits and to possess powers of cure, enchantment, and divination. The greatest personal influence, howsoever gained, ruled them in all undertakings and emergencies.

monarchies among the Indians, and the surrender of the rights and domain of the nation to individuals, are to be considered as written by Europeans as title deeds. (Vide copies in Appendix to Mills' Statistics and McCall's Georgia.) The power of their chiefs is correctly shown in Oglethorpe's Letter, Gent. Mag., 1733.

* Barton, p. 500.

† Detailed accounts of the proceedings of these assemblages are in the records of the Secretary of State's Office. See also Adair, Bartram, Lawson, Oglethorpe's Letters, &c. It may not be uninteresting to give here a specimen of the passes furnished by the traders to friendly Indians, (MSS., 1750.) "To all people whom it may concern : Whereas, the bearers of this being our brotherly Indians, desire the favor of you to let them pass and repass, they being going to war against their enemy Indians, and desire the favor of us to acquaint you of the same, in the hopes that you'll supply them in a little victuals, if they stand in need of it, without killing any of your creatures, to prevent their doing any damage ; whereas, many damages has been done by these Northward Indians, in hopes you'll think nothing of their passing and repassing, they being not the same, but our friendly Indians that lives in our lands." Signed by four traders.

This influence might extend from town to town ; one extraordinary man might become a kind of emperor of the whole nation, and one town a kind of capital of the whole confederacy. The alliance of the towns looked not to peace, but to war. Tribes whose languages were radically different, and who were at variance with each other, were occasionally leagued against mutual enemies. When not engaged in war, the men were absent from home three or four months of every year on hunting expeditions. Being of a roving nature, no strong attachment confined them permanently to one spot. The towns, at best a collocation of huts, were often abandoned, as necessity or interest prompted a removal. Their true home was wherever the forest oak spread its grateful shade, and the green pines rustled on high their innumerable tops ; wherever the stream burst from the mountain side, or winding smoothly through the vale, reflected from its quiet surface the antlered flocks that stooped to quench their thirst.

Their variety of languages, hostilities, and estrangements prevented any effectual combination against the English colonists at first when they might have overwhelmed them. Afterward their respect for the whites was nothing more than a dread of their power ; for they despised their pale hue, ridiculed the wearing of breeches, laughed at their military parades, and felt no deference for a civilization effacing the savage endurance and ferocity that constituted their principal virtues, nor any relish for a religion enjoining upon them humility, love and the return of good for evil. Little reliance could be

placed in the faith of treaties, and their rhetorical speeches of brotherly affection, and assurances of burying the tomahawk, wiping away the blood on the war path, and keeping forever bright the chain of friendship. Arthur Middleton, in his address to the Commons in 1725, advising the erection of forts along the Indian frontier, says truly, "it is well known, by long experience, that force is of more prevalency than argument with these people."

In agriculture, the richness of the soil and the fertilizing beams of a southern sky, supplied the place of skillful management in the raising of their maize and beans. Towns and villages had each a common farm, a particular portion of which was allotted to families and individuals; not so much from principles of private property, as for public convenience in the distribution of the produce. In times of scarcity, they received support from the store-house of the town; and hence the buying and selling of provisions did not, as with other people, give origin to wealth and merchandise. In mechanics, flint stone furnished the best tools they had, and they advanced not beyond the manufacture of some rude utensils, and the construction of cabins of the simplest form. The women made pottery, moccasins, belts, fringe, and fantastic ornaments of dress; but the majority of the poorer tribes wore only a scanty covering, the body being protected against the weather and insects by a constant use of bear's oil. "The men perform nothing except erecting their mean habitations, forming their canoes, stone pipes, tambours, eagle's tail or

standard, and some other trifling matters; for war and hunting are their principal employments.*

They had, as have all savages, feasts, dances, and barbaric games. But in the serious business of life, there were at home no employments, intellectual or manual, of sufficient dignity, in their estimation, to engage their restless energies. With an invincible propensity to cling to their savage state, they passed through century after century without progressive improvement. When the chase in the wild woods was over, and the wigwam was supplied with food, the warrior gazed upon the trophies of his former bravery, and chanted the praises of the departed heroes of his race. He made for himself a new bow; he replenished his quiver; whetted his scalping knife and prepared his war paint; he started from his slumber at midnight, and his children awoke in terror at his half-uttered battle cry.

The Indians were unhabituated to accumulation, and had no medium of exchange.† The tribes were

* Bartram's Travels, p. 513. So also with those on our northern boundary—"They have no manner of musical instruments, such as pipe, fiddle, or any other arts, sciences, or trades worth mentioning, which may be owing to their careless way of living, taking little or no pains to provide for the necessities of life as the Europeans do."—Dr. Brickell's Nat. Hist. N. Car., 1737, p. 279. See Lawson (1701) for those north of Santee River.

"They had musicians, who were two old men, one of whom beat a drum, while the other rattled a gourd that had corn in it, to make a noise withal. To these instruments, they both sung a mournful ditty; the burden of their song was in remembrance of their former greatness and numbers of their nation," &c. "They thus give a relation of what hath passed among them to the younger fry." (p. 39.)

† In some tribes there was a near approach to the use of a kind of money, viz.: shells for ornament, and "wampum." They did not respect the possession of riches, which they compared to the fading paint on a warrior's face.

entirely independent of each other for food, clothing, and utensils; so that before their traffic with the whites began,* there existed between them no intercourse or advantages of a commercial nature to check forays, stifle feuds, and render a cessation from war a blessed season for domestic prosperity. By the policy that prevailed in some nations, of incorporating the conquered tribes, the conquerors appear only to have entered upon a more extended field of warfare.

Peace was often maintained between nations by the offering of satisfaction for injuries before retaliation had destroyed their amity. But, upon the whole, friendship with all their neighbors was the exception in the condition of their relations. And we must conclude, that apart from the influence of

* The following passages relate to Indians about the head waters of the Pedee, &c. "It is very surprising to find so many different languages amongst them as there are, there being few nations that understand each other. But I believe the principal reason of this great difference and confusion of language, is owing to these people seldom or never conversing with any nation but their own." "These differences in their languages cause jealousies and fears amongst them, which often occasion wars, wherein they destroy each other; otherwise the Christians had not, in all probability, settled themselves so easily as they have done, had these tribes of savages united themselves into one people, or general interest, or were they so but every hundred miles together." They are entirely free from any love of riches or grandeur. (Brickell, p. 346.)

The traffic with the whites effected but a slight change in the relation of tribe with tribe. Instances however occurred in which the Indians, in imitation of the white traders, carried small casks of rum, the commodity most valued by them, for exchange among the mountain tribes. In most cases, ere half the journey was performed, these merchants were found in jolly mood around the open cask, or raging like frantic bacchanals in the forest. If any rum were left, which seldom was the case, they filled the cask with water, and on arriving at their journey's end, retailed the mixture by the *mouthful*.

the trade, intervention, and protection of the whites, the most efficient preservatives of peace were the incapacity of the tribes for sustaining conflicts, and the being so far removed from each other as to preclude all occasion of contact and collision.

The men of every tribe may be divided into two classes; those who were too old to engage in offensive warfare, and the warriors. The former were counselors, and their importance and influence were proportionate to their previous valor and services; the latter, early in life, prepared themselves for hardships, and suffering, and deeds of blood. In hunting, they carried their weapons of war, the bow and knife. To circumvent and secure the wild deer, buffalo, and bear, required all the devices and cunning strategy which they would need in taking or destroying their human prey. When the condition of a nation or tribe demanded extreme wisdom to preserve it from ruin, the exertions of the aged counselors were often inefficient to counteract the devilish thirst for blood that urged the young and impetuous warriors. "The young men did it, and we are sorry for it," was the perpetual excuse for injuries to the whites; and frequently, to save themselves from war, the perpetrators were apprehended after great difficulty, and delivered up to the injured party for punishment. Atta-kulla-kulla, when he suspected that the scalps brought in by a party of his warriors, had not been taken from their enemies, said, "They are young fellows, and would not come back without something to show their barbarity." Sometimes a single resolute warrior went forth in quest of adventure and

distinction, many hundreds of miles from his forest home; and creeping, and crouching, and watching about the wigwams of his foes, sprang upon some defenseless woman or child; and while the blood of his victim was still warm upon the hand that clutched the reeking scalp, he hurried back like a triumphant demon; yet durst for a moment stop to shriek forth a yell of defiance to the maddened multitude that rushed upon his track in wild pursuit.

Retaliation and a relentless spirit of revenge were fostered by the various tribes as a means of preserving the public honor. Murder for murder, scalp for scalp, was the principle sustained and enforced by the unanimous sentiment of entire nations. In their rude system of ethics, to kill one that had injured them was not murder; to revenge—and to do so with every possible aggravation—was superior to all obligations and passions which could restrain or impel their savage nature. In the redress of private wrongs, the legislative and judicial power was but the imperative force of custom; the executive was the strength of each man's own right arm. "In cases of murder, the next in blood is obliged to kill the murderer, *or else he is looked upon as infamous* in the nation where he lives; and the weakness of the executive power is such that there is no other way of punishment but by the Revenger of Blood, as the Scripture calls it. For there is no coercive power in any of their nations."*

In the royal grant of the immense tract of Indian

* Oglethorpe's letter, in Gentl. Mag. 1733, p. 413.

territory embracing our State, the motive of converting the heathen to Christianity was prominently set forth. If indeed a serious signification were attached to this project, no period or method for its accomplishment seems at any time to have been contemplated. The first effort toward such conversion was made in 1702, when a missionary to the Yamassees was sent from England by the Society for the Propagation of the Gospel in Foreign Parts. The governor of the province, however, on account of the relations then existing between the colonists and Indians, considered the mission impolitic; and the labors of the missionary were directed to the settlement near Goose Creek.*

The hostile occupation of their country, the spirit of encroachment and aggrandizement displayed from the beginning, and the warlike attitude necessary for the temporal prosperity of the settlement, were obviously at variance with the teachings of the Bible; whilst the conflicting efforts of the Spanish missionaries, and the disreputable lives of many white men in their towns, produced in their minds a

* Besides the English residents, the slaves particularly were within the field of his labors. Importations from Africa often introduced greater savages and a worse heathenism, and, if possible, stranger dialects than those which were found existing in our forests. We may here mention that a natural antipathy was felt by the Indians against the negroes, and that to their unconquerable aversion the colonists for a long period owed much of their security. The sagacity and dislike of the Indian, when put in requisition, reclaimed the runaway in a wonderfully short time from the densest swamps and thickets. We have read nowhere of any alliance, intercourse, or sympathy between the two races. For the dangerous position of the settlers, *vide* Hewitt, p. 508; Statutes at Large, vol. 2, p. 648; MSS. Gov. Glen in 1754.

complete indifference to our religion.* To become Christians, moreover, was to cease to be Indians ; to cease from retaliation and revenge, from battle and the gory scalp, and from ancient customs and rites which distinguished them as a separate people.

It was a mistake to represent the Indians as willing to embrace Christianity. It was also erroneously said by many writers that they had no religion. What their hereditary belief really was, we cannot well understand ; but that they had a religion, and pertinaciously strove to conceal it from strangers, will be shown in a brief notice of one of their ceremonies.†

* Some things the Indians willingly learned from the whites :—“A French dancing master settling in Craven county, taught the Indians country dances, to play on the flute and hautboit, and got a good estate ; for it seems the barbarians encouraged him with the same extravagance,” &c. (Oldmixon, 1708.)

“They never argue against our religion, but with all imaginable indifference own that it is most proper for us that have been brought up in it.” (Law, p. 238.) This author thought that amalgamation with the settlers was the surest means of their conversion. In 1707, the preamble to a law states, “the greater number of those persons that trade among the Indians in amity with this government, do generally lead loose, vicious lives to the scandal of the Christian religion, and do likewise oppress the people among whom they live by their unjust and illegal actions.” By subsequent notices in the *Carolina Gazette*, this conduct appears never to have been remedied. Two traders once purchased Bibles in Charleston, which was thought sufficiently remarkable to be mentioned in the newspaper.

† Adair, who had the best opportunities for comprehending their belief from his friendship with them and long residence in their midst, found them offended and distrustful when he wrote letters or took notes ; and he confesses that one of his difficulties was “ the secrecy and close-ness of the Indians as to their own affairs, and their prying disposition into those of others.” The tribes of North Carolina had many customs “ for which they will render no reason or account, and to pretend to

The French garrison at Fort Charles, in 1562, were on most friendly terms with an Indian king, who invited them to certain religious "ceremonies most strange to recite." The chief, however, kept his foreign friends closely in his wigwam during the celebration, and was greatly offended when he noticed some of them laughing. "This he did," says Laudonniere, "because the Indians are very angry when they are seen in their ceremonies." Notwithstanding the subtlety of one of the Frenchmen, who hid himself in the woods to watch their proceedings, and afterward the bribing of an Indian boy to disclose the meaning of its worship, the strangers remained in ignorance of its nature. Two centuries later, Adair endeavored to solve the secret. His account of the celebration differs in several respects, but it evidently relates to the same divinity; and the changes may be ascribed to the lapse of time, or the varying customs of nations who held but little intercourse with each other. The holy drink of the cusseena plant was prepared for this religious solemnity; and, during the ceremonies they sang in monosyllables "their sacred mysterious name."*

give a true description of their religion is impossible, let writers pretend what they will." "I could never get admittance to see what they were doing, though I was at great friendship with the king and great men, but all my persuasions availed me nothing." From the mysteries spoken of, the majority of the Indians were also excluded. (Lawson, p. 211.) Adair tells us that those who ventured improperly upon the religious ceremonies "were dry-scratched with snakes' teeth, fixed in the middle of a split reed, or piece of wood, without the privilege of warm water to supple the stiffened skin." (p. 47.)

* See also Bartram, p. 458. Law, pp. 24, 90; Adair, p. 97. But to conclude with the last author, that Jehovah was the mysterious name

The more simple and common belief recognized two spirits ; the one good, the other evil. The one they regarded as the maker of every thing, the giver of the fruits of the earth and of all blessings ; the other was the author of all the ills and calamities of life. They believed in the immortality of the soul, and in future rewards for good and wicked deeds, of which they could give "a pithy account." But their opinion of the benevolence of the Great Spirit induced them, generally, to believe that the life beyond the grave would be one of felicity only, the joys of which would resemble those of earth. The effect of this belief was a stoical indifference under most dreadful affliction, and calmness and bravery in perils and in death. Absurd legends and superstitions of imaginary agents were also found among them ; but the priesthood enjoyed no distinction as an organized class, and owed their prominence in the community in a great measure to the trickery of the fortune-teller, and to their pretensions in the medical art.

There were among the Indians some more distinguished than the rest for an observance of moral rules and the laws of nature. Their shrewdness and reflection, and the mental and bodily activity exercised in the hunter-life, produced in many instances a development of the moral and rational

of the God whom the Indians worshiped, would require us to be first convinced that they were descendants of the ancient Jews. Schoolcraft remarks of the Indians of the present day, that though they believe in many gods (or spirits,) they worship only one ; and they look forward to a future life of sensual enjoyment. See also Bradford's Amer. Antiq.

being that must be esteemed remarkable in comparison with their rude mode of living, and their delight in barbarous customs. But the restraints of rectitude and clemency could not encompass or withhold the wild passions of the multitude, and particularly of the unbridled young men. Theft and robbery, adultery and murder, were not unknown among them, and frequently entailed an obligation to further depredation and crime, from their custom of private retaliation. Sometimes a vicious malefactor, being an outcast from his own people, roamed the forests alone, or sought refuge and sympathy in an ignoble tribe. Sometimes the guilty were condemned to death in a summary manner, or delivered up for punishment to the party whom they had injured. In war they were all alike. In peace they were as different as are the estimates of the different travellers who have described their character. On the Wateree, the Indians, we are told, were thieves, stealing with their feet if you watched their hands; lazy and poor, living in dark, smoky, cabins; or shockingly licentious and despicable. On the other hand, the Creeks are extravagantly described as honest, hospitable, affectionate, industrious, temperate, forbearing, and needing no European civilization.

A century ago the annual export from Charleston of deer skins alone was seventy thousand. With the exception of rice, the furs and skins, of various kinds, obtained from the Indians, were then by far the most valuable commodity in the colonial trade.*

* Gov. Glen's "Description of South Carolina."

But the exportation of rice had been rapidly increasing in proportion to its more improved and extensive culture;* whilst the skins had been an article of export for seventy or eighty years, and the hunters and the beasts which they pursued had equally decreased in the forests around us. Turning our attention back to earlier times, we find that in 1731 the quantity of rice exported was much less, while the deer skins were about 255,000, and the annual rate "above 200,000." Moreover, there was a vast difference in the labor and expense of procuring these commodities. "They carry on," says a writer of that time, "a great trade with the Indians, from whom they get these great quantities of deer skins, and those of other wild beasts; in exchange for which they give them only lead, powder, coarse cloth, vermillion, ironware, and some other goods, by which they have a very considerable profit.† And earlier still, in 1700, the Indian trade was so lucrative, as to cause the remark that those who engaged in it

* The value of the swamp and river lands was long unknown. They were regarded as pestilential. When found to be best adapted to the cultivation of rice, and this had become a staple commodity, the importations of slaves increased as follows: in 1715, forty-five years after the settlement, there were in the colony 10,000 blacks; in 1724, 32,000; in 1731, 40,000; in 1763, about 70,000.

† "A description of the Province of South Carolina, drawn up at Charlestowne, in Sept., 1731."

From the MSS., 1716, I take the following prices: Pistol, 20 skins; axe, 5 skins; sword, 10 skins; 12 flints, 1 skin; knife, 1 skin; 30 bullets, 1 skin. All skins considered alike, including beaver. But the prices are very variable, as are seen in the records. The Indians often came to Charleston to obtain a regulation of rates.

In Gov. Glen's time the skins sold—Deer skins, £50 sterling a hundred; Beaver, 4s. 3½d. a pound.

became rich sooner than any other people in the province.*

Before the removal from old Charles Town, on the western bank of the Ashley, the proprietors forbade all trade with the Indians for seven years, that the settlers might become "more numerous and better able to defend themselves." At the close of the Westoe war in 1681, many individuals had added to their traffic the purchase of captives, and the proprietors endeavored to check abuses of this kind in the trade and intercourse with the natives, by taking under their protection (nominally) all the Indians within four hundred miles of Charleston.† In 1691, it became expedient to limit, by a heavy penalty, the extent of trade and traveling to the vicinity of the settlement;‡ but private enterprise soon rendered the enactment nugatory, for Archdale relates, not many years after, that the colonists had extended their inland trade to the distance of one thousand miles.

It was however of much greater importance to regulate the trade than to prescribe its limits; to secure, if possible, justice to the Indians, and to protect and promote the interests of the settlers. In the constant struggle of the legislature against the cupidity and oppression of their countrymen, no efficient plan for the regulation of the trade appears to have been adopted until 1707; when Commissioners, amenable to the Assembly, were appointed as

* Lawson, p. 87.

† Chalmers and Oldmixon, Carr. Coll., pp. 313, 409. See also Appendix.

‡ Statutes, 2, p. 64.

superintendents and directors; an agent, with a stated salary, was chosen, who could only be removed by the Assembly; a pecuniary equivalent was granted to the governor in lieu of the presents it had been customary for him to receive from Indian deputations,* and stringent measures were enacted in regard to the subordinates engaged in the trade, and the manner in which it should be conducted. After 1716 the trade required garrisons and factories,† and had become so important a source of wealth as to be jealously guarded as a means of public revenue. But the policy of bringing the whole system within the cognizance of the Assembly, excluded the executive from an exercise of power in the most active field of his government, whilst he owed his position at the head of affairs to an authority often at variance with the Assembly and the people. Hence numerous laws were passed and repealed, yet the Indian trade never became free from abuses, nor established and governed with that energy and concentration of purpose which its impor-

* £200 were offered to Sir Nath. Johnson as an equivalent for his Indian perquisites, and refused. He was granted £400. In 1716, the annual compensation was £200.

† "It being the resolution and sense of the whole country not to have any more a settled store among the Indians, but by degrees cause the Indians to come to our forts and purchase what they want."—MSS.

"The Charkees utterly dislike coming down to the garrisons to deal, and will not agree to that proposal on any account, (except for rum)."—MS. Journal Comsr. of Trade, 1710–1718.

Many abuses and much bloodshed would have been prevented had this wise course been adopted at the beginning of the settlement; but the enterprise of the traders continued to resist the most salutary laws, as is exhibited through the pages of numerous volumes in Secretary of State's Office.

tance and complicated interests demanded; notwithstanding the subsequent modifications of the system by which, (on the transfer of the colony from the proprietors to the king,) the royal governors obtained a more immediate control of the officers employed in the management of its affairs.

The leading men of the colony were from the beginning more or less engaged in the Indian trade. Agents of the merchants in Charles Town traversed the forests hundreds of miles from the settlement, in the midst of distrustful and sanguinary multitudes, among whom to be timid was hazardous, and to be audacious was almost certain death.

Many traders lost their lives by their imprudence. Many were dissolute and worthless, and were despised even by the savages. Many conciliated favor and ensured their own safety by adopting the Indians' habits and marrying among them. But, on the other hand, some were gentlemen, who doubtless would have achieved renown in the most arduous and important duties of a public career.

Let us follow a trader who is going to the Chickasaws. The governor of South Carolina has told him to keep a journal of all that occurs, that he might be informed of the condition, resources, and policy of the tribes. We will follow him from the enlivening activity of a thriving commercial town; from the teeming farms and plantations of the colonists; from the huts by the wayside and from the drunken gaze of lounging Indians who have learned only the vices of the white men; from some old homestead of departed warriors, over the ruins of

which bounds the affrighted stag ; beneath the moss-covered oaks ; then far off amid the dull uniformity of interminable pines ; over the smooth river in the swift canoe ; across the slippery ford of the boisterous stream ; and far again into the solemn stillness of the forest ; challenged now by a group of moccasined hunters ; now suddenly avoided by the scampering of nude and black-haired urchins to some village near, where old squaws anxiously inquire the price of rum, and the girls offer their choicest smiles for beads or yellow tape. But what does he record in his journal ?* May 28. "A gang of Choctaws set a house on fire in the night, but did no other mischief. June 12. A gang of Quapaws killed and scalped six Chickesaws in the night, at a hunting camp. July 20. Eleven Chickesaws who went to the river Mississippi in order to meet with the French, accordingly discovered several boats on the north side of said river ; they attacked them and caught several, but were at length forced to quit them by the fire made by the French ; and are returned with several of their party wounded. 24th. A small gang of Choctaws came into the nation in the night, killed a fellow and wounded a child as they were asleep on a corn-house scaffold. August 1. Five Chickesaws were killed by the Cherokees, being a hunting on the Cherokee river. 14th. The Choctaws kill a young fellow in the night. . . . Sept. 26. Three Chickesaws were killed at their hunting camp by a gang of Choctaws." A gang of Chickesaws arrive, who had gone in a war party against

* MS. Journal of Mr. Buckles, 1757 ; Bk. No. 4, Seer. Off.

the French fort on the Wabash, bringing one French prisoner. "From Sept. 26 to Oct. 26. Five gangs of Chickesaws went to war against the Choctaws and French, and one gang against the Cherokees; the latter I did all in my power to hinder, to no purpose; they having lost no less than ten of their warriors, who were killed by said Cherokees. Oct. 5. Five Chickesaws were killed by the Choctaws at a hunting camp. Dec. 15. The Choctaws killed a Chickesaw fellow as he was going out a hunting, and carried off a woman and two children prisoners. 16th. The Chickesaws pursued them; came up with them; killed five, and redeemed said woman and children. 18th. A gang of Chickesaws went against the French on the 20th September; returned, having killed one Frenchman and brought in his scalp. 19th. A gang of Chickesaws returned from war with one Choctaw scalp. Feb. 8. A Chickesaw woman was killed in sight of the houses by the Choctaws. 14th. A Chickesaw was killed by the northward Indians. 16th. A woman was killed and scalped as she was cutting wood in sight of the houses, by the Choctaws."

After so disastrous a system of warfare, how humble and mournful in its tone was their language to the English governor: "It is true, some years ago, we did not mind how many our enemies were; but that is not our case at present: our numbers being reduced to a handful of men, and thereby we are rendered incapable of keeping our ground without a continuance of your friendly assistance. We are not able to hunt, nor are we free from the hands of our

enemies even in our own towns ; so that it is impossible for us to kill deer to buy clothing for ourselves, our wives, and children, or even to purchase ammunition. This the English traders who come among us are too sensible of, from the small quantity of skins they have carried out of this nation these two last years, to what they used to do formerly.”*

The same practices of mutual revenge and barbarity prevailed among all the Indians. Before the discovery of this continent, many great nations must thus have dwindled away, † till none of their lineage was left to rehearse the history of the mighty chieftains who once led their thousands of plumed and painted warriors to the ambuscade and battle field. Sometimes, as we have still on record, fatal diseases broke out, which neither the rattles, nor bags, nor charms, nor incantations of their medicine-men could check or alleviate ; and the sad survivors bade farewell to their homes, and departing far from the infected region, sought for some spot which they believed the Great Spirit had not cursed, and where their little ones might grow up like sturdy oaks, and the eagle and the buffalo become the emblems of their tribe.‡

* MS. Ind. Bk. Secr. Off.

† In the “Altera Navigatio, Duce Laudonniero,” of 1564, (De Bry,) we find the same system of warfare. “Reges bella inter se gerunt assidua fere, nullique viro hosti, quem capere possint, parcunt; deinde caput adimunt, ut cutem cum capillis, habeant, qua domum reversi trophyum statuant.”

‡ This general sketch of the Indians who lived in and near South Carolina seemed necessary for appreciating the dangers and difficulties of the early English settlers. For minute descriptions of tribes and customs, see Adair and Lawson in particular, and the authors referred to in preceding notes.

CHAPTER III.

English Settlements in North America—Charles II. grants the region south of Virginia to eight noblemen, in 1663—Origin of the name of Carolina—The Proprietors and the Services they had rendered to the King—Opposition to their Claims set aside—Their first Efforts to form a Colony—Settlements in Albemarle and Clarendon counties—Liberal Concessions to Settlers—Forms of Government permitted—Policy of the Proprietors—The second Charter, and extension of the Carolina grant—Synopsis of the Charter of 1665—The Religious Intolerance at that time in England, and the Religious Freedom bestowed by the Charter—Differences of the Charters of Connecticut, Rhode Island, and Carolina.

AFTER the French abandoned the plan of settling at Port Royal, no other European settlement was attempted in South Carolina for more than a hundred years. But during this interval English colonies had been successfully established in several parts of New England, and in Maryland and Virginia. Charters and grants of land were liberally bestowed upon individuals and companies by the kings and queens of England.

The commercial and political advantages of these colonies were not then apparent; and the British government did not extend to them its powerful protection, nor maintain them by its ample resources. Yet it was evident that its dominion would be enlarged and its claim to vast portions of America substantiated, by the settling there of all who were willing to leave the comforts of home or anxious to escape its ills. Strong, indeed, must have been the motives which led these adventurers to encounter the

perils and hardships of a long voyage, and the still greater privations and dangers that awaited them in a wilderness and among hordes of savages.

While the Spaniards, and in many cases the French, sought for gold or the glories of conquest, the English colonies were, in most instances, formed or augmented by those who were unwilling to endure, in their own country, the religious intolerance of the successively dominant sects of Catholics, Puritans, and Churchmen. Religious freedom was therefore a prominent and peculiar feature in the grants of the English colonies. And as their settlement was left to private means and enterprise, those to whom the charters were granted generally secured to their colonists the additional inducements of gifts of land, and a larger share of political liberty than they enjoyed at home. We shall observe, in the course of this history, that at a later period it became the policy of the government to revoke these charters, and to bring the colonies more immediately under the power and control of the king and his council.

Notwithstanding the favorable description which Verrazzano had given of our climate and country, and Ribault's account of the beautiful and commodious harbor of Port Royal, a prejudice had arisen against settling here and in favor of more northern situations. But the success and prosperity of the colonies already established, awakened great interest in the mother country; and in the second year after the restoration of Charles II., some of his adherents and courtiers, to whom he was indebted for distinguished services, easily obtained a charter with

extensive powers, for all the region lying south of Virginia, extending from 31° to 36° of north latitude, and westward within these parallels across the continent; and which was to be definitely called "Carolina" in honor of the king.*

This charter is dated March 24th, 1663. The noblemen upon whom it was conferred, and the motives which they assigned for requesting it, are mentioned in the beginning of the charter, as follows:

"Whereas, our right trusty and right well-beloved cousins and counselors, *Edward*, Earl of Clarendon, our High Chancellor of England, and *George*, Duke of Albemarle, Master of our Horse and Captain-General of all our Forces, our right trusty and well-beloved *William* Lord Craven, *John* Lord Berkley, our right trusty and well-beloved counselor, *Anthony* Lord Ashley, Chancellor of our Exchequer, Sir *George Carteret*, Knight and Baronet, Vice-Chamberlain of our Household, and our trusty and well-beloved Sir *Wil-*

* The part of North America embracing the present States of North and South Carolina, first received the name of Florida, which was given by the Spaniards. The French called it by the same name. The English, after the colonization of Virginia, called the same region Southern Virginia. Yet from the year 1628-9, in the reign of Charles I., the name of Carolina was indefinitely applied to the territory south of Virginia, as may be observed in the list of MSS. under this date in the Appendix. At length, in 1663, from a happy coincidence of the names of the kings, it was retained and definitely applied to the province granted to the proprietors by Charles II., and in compliment to that monarch, as stated by authors of the time and indicated in the first charter. Our historians are not agreed whether the name was derived from Charles IX. of France or Charles II. of England. There would be more reason in introducing the claims of Charles I. If the name originated from that of the fort "Arx Carolina," built by Laudonnier on the St. John's River, or Charles Fort at Port Royal, it was not applied to the territory by the French, who continued to call it Florida.

*liam Berkley, Knight, and Sir John Colleton, Knight and Baronet, being excited with a laudable and pious zeal for the propagation of the Christian Faith, and the enlargement of our empire and dominions, have humbly besought leave of us, by their industry and charge, to transport and make an ample colony of our subjects, natives of our kingdom of England, and elsewhere within our dominions, unto a certain country hereafter described, in the parts of America not yet cultivated or planted, and only inhabited by some barbarous people who have no knowledge of Almighty God," &c.**

* The Earl of Clarendon had been the companion and active assistant of King Charles in his exile, and after Cromwell's death had materially contributed to the re-establishment of the monarchy. His daughter was subsequently married to the Duke of York, who became James II., and their children, Mary and Anne, were queens of England.

But no single person deserved more the title of Restorer of the King, than General George Monk, whose history is well known, and who, for his important services, was created Duke of Albemarle.

Sir George Carteret was, for a time, governor of the Isle of Jersey, where he maintained the royal cause against Cromwell and the Parliament, and gave refuge to King Charles, the Duke of York, the Earl of Clarendon, and many of the nobility, during their flight from England. When the Duke of York received from the King, after his restoration, a large grant of land in North America, Lord Berkley and Sir George Carteret obtained a conveyance of a part of it; and in compliment to the latter, the present State of New Jersey derived its name.

Sir Anthony Ashley Cooper (after whom the Cooper and Ashley Rivers have been named) had been particularly recommended to Charles II. by General Monk, as a person well fitted to be one of his council. Although he was regarded as a politician who had espoused the cause of monarchy, then of the Parliament, and then again of monarchy as it suited his ambition, yet he long retained the favor and confidence of the king, and by his distinguished abilities became Chancellor of England, and was made Earl of Shaftesbury. He was the constant friend and patron of the learned philosopher Locke, to whose wisdom was subsequently committed the framing of the fundamental laws for the

As soon as these noblemen received their charter, adverse claims were made to the same territory under a grant that had been given in 1630 to Sir Robert Heath, Attorney-general of Charles I. He had called the country "Carolina," and the Bahama and other islands, the "Carolina Islands;" but having failed to form a colony, the claims of those to whom he had conveyed his rights were now set aside;* and the proprietors under the new charter

government of Carolina. To this nobleman also, who was the most influential in the early policy of Carolina, England is especially indebted for the Habeas Corpus Act, and the equally important measure of rendering the judges independent of the crown.

Sir John Colleton had been an active partisan of royalty, and impoverished himself by his uncalculating zeal in its cause. After the success of the Parliamentary forces he retired to Barbadoes till the restoration of the king, when he returned to England and received the dignity of baronet.

Lord Berkley had been a faithful follower of Charles in his exile.

The Earl of Craven was early distinguished for his foreign military services. He was one of Charles' Privy Council, and held a military command about his person.

Sir William Berkley, brother of Lord Berkley, was for many years the able and loyal Governor of Virginia. He espoused the cause of Charles I. against the Parliament, and refused to hold office under Cromwell, which led the colony boldly to adhere to Charles II. as their sovereign, while he was an exile from England, and at a time when the power of Parliament was supreme. In remembrance of this, the king is said to have worn at his coronation a robe of Virginia silk. (Present State of Virginia, 1705, p. 57.) The other authorities for these brief notices are, Earl of Clarendon's Autobiography, Lord King's Life of Locke, Pepys' Memoirs, Rose's and Gorton's Biog. Dicts., Lives of Lord Chancellors, and Burke's Peerage.

* See Coxe's Carolina, 1722, and the extracts of the charter in his Appendix. The claims for the province of "Carolina" continued to be prosecuted, but were limited to the country west of the settled portion of Carolina, and embracing the Mississippi. In "Virginia Richly Valued," published in 1650, it was made to comprehend Roanoak and the southern parts of Virginia. The order in council repudiating the

made immediate exertions to begin a settlement, that the king might see they did not "sleep with his grant, but were promoting his service and his subjects' profit."

At an earlier period, some settlers from Virginia had proceeded southward, and taken up their abode on the river Chowan. Sir William Berkley was at this time governor of Virginia, and the rest of the lords proprietors wrote him instructions to form immediately a government for the settlers at Chowan, and to appoint one or two governors, and councils, and other officers. The reason for giving the power of appointing two governors, one on each side of the river, was, they said, "because some persons that are for liberty of conscience may desire a governor of their own proposing; which those on the other side of the river may not so well like;" and to obtain settlers; they wished "to comply always with all sorts of persons" as far as they possibly could. This region was now named Albemarle county, in honor of the eldest proprietor, and William Drummond was appointed its first governor. He, with a council of six, made laws for the settlement with the consent of the delegates of the freemen. These laws were

claims of Heath's Patent, is thus stated in MSS. in my possession. "12th Aug., 1663. Proceedings of the Privy Council. Taking into consideration the present condition of the province of Carolina, and upon information that all pretenders to former grants had been summoned, according to former orders, to bring in their patents and writings, but none appeared; and as no English have by virtue of such grants hitherto planted, by which neglect such patents (if any) are become void; the attorney-general ordered to proceed by inquisition, or some other lawful way, to recall all such. All future grants to have a clause that unless plantations are formed the grant shall be void."

to be sent to England for the approval of the proprietors. Lands were granted to all free of rent for three years, and the former possessions of the settlers were confirmed to them.

A company of adventurers from Massachusetts had settled more to the south, on Cape Fear River, about 1661, and had purchased there an extensive tract of land from the Indians. They now claimed from the lords proprietors the same civil and religious privileges they had enjoyed during their self-government. At the same time [Aug. 1663] the proprietors received proposals from several gentlemen of Barbadoes, who desired to remove to Carolina, and who solicited the grant of a district of land, thirty-two miles square, with the power to choose a governor, mayor, and other officers. While the proprietors declined to grant these privileges, they encouraged the settlers from Barbadoes, and entered upon the design of establishing a colony southward of Cape Fear, on the Charles River. They issued, on the 25th of August, a "Declaration and proposals to all that will plant in Carolina," and which they promised "inviolably to perform and make good" "in such manner as the first undertakers of the first settlement shall reasonably desire."

The settlement could be made on the Charles River, or in any other part of the province, the proprietors reserving to themselves twenty thousand acres, to be laid out by their own agents, but so that the colony should not be incommoded thereby. They promised the settlers the privilege of erecting fortifications, provided they undertook to be true and

faithful to the king and his successors, "by some oath or engagement of their own framing." With regard to their government, the settlers were required to present to the proprietors thirteen persons of their company, of whom the proprietors would choose one to be governor for three years from the date of his commission, and six others to be his council. By a majority of these (of which the governor or his deputy should be one) the settlement should be governed during the period mentioned. Successors to the governor from among the council, and to the cōuncilors from the remaining six of those first presented, should also be nominated, to serve in case of death or removal from the colony. At the end of the three years a similar presentation should be made by the freeholders in the colony, and executive officers similarly appointed. The proprietors promised that the freeholders should elect an assembly, by a majority of whom they should "make their own laws, by and with the advice and consent of the governor and council, so as they be not repugnant to the laws of England." Within a year after the publication of these laws, they should be presented to the proprietors for their approval or dissent; but if once agreed to, they could *only be repealed by the power that enacted them.* The proprietors promised to grant, in as ample a manner as the settlers should desire, "freedom and liberty of conscience in all religious or spiritual things, and to be kept inviolably." They promised exemption from taxes on imports and exports in regard to whatever articles the charter allowed. They promised every settler, for

the small rent of one halfpenny an acre, one hundred acres of land for himself and his heirs, and fifty acres for each man servant whom he should carry or send to the colony (provided he were able to bear arms, and took with him a good musket and ten pounds of powder and twenty pounds of bullets), and thirty acres for every woman servant. After their term of service, each man servant should be entitled to ten acres of land, and each woman to six acres. But these promises were restricted to those who arrived during the first five years of the settlement. To insure the confidence and security of settlers, the proprietors also promised that the governor and council should be enjoined to have always in the settlement one armed man in proportion to every fifty acres of land that should be granted.

Such were the liberal offers which were first made to all who would remove to Carolina. Equally democratic in their tendency were the privileges granted to those who had already fixed their abode in Albemarle county. The region about Cape Fear was now called Clarendon county. A number of English emigrants arrived here on 29th May, 1664; and in November, Robert Samford was appointed secretary and chief register, and John Vassal surveyor-general and deputy governor. In the following January, Sir John Yeamans, of Barbadoes, was commissioned its governor, and the boundaries of his government established in a southward direction "as far as the river St. Mathias, which bordereth upon the coast of Florida." Tracts of land were granted, according to the promises of the proprietors, to adventurers from

England, New England, the Island of Barbadoes, and other islands of the West Indies; and an annual rent of one halfpenny an acre was required, the first payment to be made in March, 1670.

After receiving their charter, the lords proprietors had held their first meeting in May, 1663, to appoint officers among themselves, and ordain rules for the government of their province. They agreed to contribute equally a fund for transporting colonists and for other expenses. But we shall have many occasions to observe that they did not agree upon any fixed policy for the administration of the colonies which they were forming. To Sir William Berkley, who was in Virginia, they at first committed the fostering of their joint interests. He was directed, as we have seen, to constitute the government for Albemarle county. In the same letter of instructions, the proprietors observed, "we do likewise send you proposals to all that will plant, which we prepared upon receipt of a paper from persons that desired to settle near Cape Fear, in which our considerations are as low as it is possible for us to descend. This was not intended for your meridian, where we hope to find more facile people, who, by your interest, may settle upon better terms for us, which we leave to your management, with our opinion that you grant as much as is possible, rather than deter any from planting there." And now Governor Yeamans was told "to make every thing easy to the people of New England, from which the greatest emigrations are expected, as the southern colonies are already drained."*

* Chalmers' Pol. Ann.

The New Englanders who had settled on "Old Town Creek," in 1661, being reduced to want by the sterility of the country, had left their cattle to the keeping of the Indians, and returned to Massachusetts* before the arrival of the exploring ship *Adventure*, which sailed from Barbadoes, under Capt. Hilton, in August, 1663. Although at their departure they had placed in a post "a writing, the contents whereof tended not only to the disparagement of the land about the said river, but also to the great discouragement of all those that should hereafter come into those parts to settle;"† yet they were very active in claiming the land as their own as soon as the province was granted to the proprietors.‡ These noblemen, however, while they were anxious to please all settlers in Carolina, desired Sir William Berkley to persuade or compel these enterprising New Englanders, who already were "roaming the continent," to be satisfied with such allotments of land as were given to others.§ Whatever number, from liberal offers of political and religious privileges, returned to Cape Fear, their settlement was soon abandoned or absorbed in that of the emigrants from England, who, in 1664, began to build a town called Charles Town, about twenty or thirty miles up the Cape Fear River.

* Lawson (Hist. of Carol., London, 1718), p. 74, relates the tradition of the inhabitants at Cape Fear, about 1700, that some of these colonists "carried off the children of the Indians under pretense of instructing them in learning and the principles of the Christian religion; which so disgusted the Indians, that though they had no guns, yet they never gave over till they had entirely rid themselves of the English by their bows and arrows."

† Hilton's Relation. ‡ Bancroft. § Chalmers' Pol. Ann.

To aid and encourage the proprietors, Charles II. presented to this colony twelve pieces of cannon, and a considerable quantity of warlike stores.

It was here, on the southern bank of the Cape Fear, that Sir John Yeamans and the emigrants from Barbadoes at length arrived in the autumn of 1665. In the following year the population of the settlement amounted to eight hundred. He governed the colony with the care of a father, and by his prudence received the uninterrupted goodwill of the neighboring Indians. The settlers sent timber and staves to Barbadoes, and industry and animation marked the conduct of all.* But after Yeamans was appointed governor of the more southern colony at Ashley River, many of the settlers are said to have followed him thither, to lands more fruitful and better adapted to raising cattle; and the situation at Cape Fear became at last so completely deserted, that before 1690 it relapsed into its original condition, and was roamed over again by herds of deer and the Indian hunters.†

In Albemarle county, when the rents for land became due (in 1666), the people began to be dissatisfied; and the proprietors, yielding their expectation of immediate gain to their desire to harmonize and accommodate the settlers, granted the petition of their assembly in the following year, and allowed them to hold their lands on similar terms with the inhabitants

* Chalmers' Pol. Ann.

† Williamson. From this period there were but two governments in Carolina, at Albemarle and Ashley River; and the names of North and South Carolina began to be used, although the colonies were not by law thus separated until 1729. In Stat. at Large "South Carolina" is mentioned in 1696.

of Virginia.* Like the Virginians from whom they had emigrated, they cultivated chiefly tobacco and Indian corn, and trafficked for other articles which they needed with the traders from New England. In October, 1677, Samuel Stevens, a man of virtue and ability, was commissioned to succeed Governor Drummond; and he was permitted still to conduct the government in the most democratic manner. He was to act entirely by the advice of a council of twelve, six of whom he himself selected, and the other six were chosen by the assembly. This assembly of twelve men, elected by the freeholders, made laws, and had also a large share of executive powers. They convened and adjourned themselves; appointed civil officers and the ministers of churches; and no taxes could be imposed without their consent. There was perfect freedom of religion; and all men were declared equal in privileges on taking an oath of allegiance to the king and fidelity to the lords proprietors.

When in 1669 the Assembly passed laws to exempt new-comers from paying taxes for one year; to prevent for five years the suing for debts contracted out of the colony; to prohibit strangers from trading with

* In "Public Acts, North Carolina," is a copy of this "Great Deed of Grant," dated May 1, 1668, and signed by Albemarle, Berkley, Carteret, Craven, Ashley, and Colleton. By this deed lands were granted to the settlers, at their request, to be held on the same terms as in Virginia; the grants of the governor being effectual in law, "for the enjoyment of the said land or plantation, and all the benefits and profits of and in the same (except one-half of all gold and silver mines,) to the party to whom it is granted, his heirs and assigns forever, he or they performing the conditions aforesaid."

the Indians; to allow marriages on simply declaring mutual consent before the governor and council and other witnesses; and to forbid the transfer of lands for two years—the proprietors without delay confirmed their enactments, as though indeed they would deny them nothing, however strange and incompatible with their own interests, provided it pleased the colonists and might be an inducement for others to join them.

The counties of Albemarle and Clarendon were founded under the charter of 1663. Two years afterward a second charter was bestowed upon the same noblemen, chiefly because the extent of territory then given did not include all the region of North America, in a southward direction, which England was disposed to claim. The limits of the province were now enlarged to 29° on the south, and $36^{\circ} 30'$ on the north, including all within these parallels from the Atlantic to the "South Seas" or the Pacific [1677]. To this immense tract of country were afterward added the Bahama Islands, lying eastward in the Atlantic. Perhaps this extension of the grant, which embraced two more degrees on the south, was in anticipation of the treaty concluded with Spain, and by which the latter power relinquished her pretensions to the territory in North America then in possession of the English.

There are two other differences between the charters. In the first the territory granted is spoken of as one province. In the second, power is given to subdivide the province into counties, baronies, and colonies, with separate and distinct jurisdictions,

liberties, and privileges. The second charter is also more explicit in matters of religion; the proviso in the first restraining dissenters from the Church of England, being changed to a promise or declaration that such persons should not be molested for their religious opinions and practice. [§ 18.]

This second charter, which is dated June 30th, 1665, formed the basis of the government of Carolina until its surrender to the king by the proprietors. A synopsis of its provisions is necessary for a proper understanding of much of our history during that long period.

To the king were reserved the allegiance of the settlers and the sovereign dominion over the country; in all other respects the noblemen to whom the charter was granted, and their heirs and successors, were constituted the true and absolute lords and proprietors, to hold the province as their own, with no other service or duty to the king than the annual payment of twenty "marks" (about \$64), and the fourth part of the gold and silver ore that should be found within the province.

To the proprietors was also granted the power, from the king as the head of the Church of England, to cause churches and chapels to be built and consecrated, and to appoint the ministers of them; and also such independent jurisdiction as was held by the bishops of Durham, who from the earliest times of the English monarchy had regal authority in their county—who appointed judges, pardoned treason, murder, and other crimes; and all offenses were said

to be committed against their peace, and not, as in other places, against the peace of the king.

To the lords proprietors was likewise granted the power to subdivide the province, as we have previously mentioned; "and also to ordain, make and enact, and under their seals to publish *any laws and constitutions* whatsoever, either appertaining to the public state of said whole province or territory, or of any distinct or particular county, barony or colony of or within the same, or to the private utility of particular persons, according to their best discretion, *by and with the advice, assent and approbation of the freemen* of the said province or territory, or of the freemen of the county, barony or colony for which such law or constitution shall be made, or the greater part of them, or their delegates or deputies," and whom, for this purpose, the proprietors should, from time to time, cause to assemble in such manner and form as to them should seem best.

It was however reserved to the proprietors, or their appointed magistrates, when any sudden occasion would prevent the calling of the Assembly, to proclaim ordinances for preserving the peace or for the better governing of the people, provided such ordinances were in accordance with the laws of England, and did not affect the freehold or other property of the people.

It was granted to the proprietors to build towns and cities and form manors—to erect forts and other fortifications—to make war, and have complete military power in all respects as a general of an army

has; and to suppress rebellions and establish martial law in the province.

The province of Carolina was to be distinct from all other provinces, and its inhabitants were to be liege subjects directly to the king, and could not be compelled to answer in any court out of the province except in the courts of England. The charter offered particular encouragements to all who would settle in the province. The permission of transporting themselves and families was accompanied with the royal assurance of their protection as still a part of the English people, and of their right still to claim and enjoy all the privileges of British subjects.

To them also was given the freedom of commerce to and from the ports of England, without distinction as colonists; and to export free of duty all tools and implements necessary to the cultivation and improvement of the land, and for seven years to import freely into England such agricultural productions as at that time were supposed likely to become the most valuable productions of the new province.

The proprietors were to establish such sea-ports as they pleased, and to have for themselves the revenues arising from the customs and duties; but these were to be assessed by the proprietors "by and with the consent of the free people, or the greater part of them."

The lands in the province which should be purchased or otherwise obtained from the proprietors, were to be held as the absolute property of those who should obtain them. The proprietors could themselves dispose of all their share in the province.

The proprietors had power to confer, within the

province, marks of distinction and titles of honor, provided they were not the same as those conferred in England.

But the most important encouragement offered to the settlers was the religious freedom to dissenters from the Established Church of England. The charter conferred upon the proprietors the power of granting, in such manner and with such restrictions as to them might seem fit, indulgence and freedom in matters of religion, "and that no such person or persons, unto whom such liberty shall be given, shall be any way molested, punished, disquieted, or called in question for any difference in opinion or practice in matters of religious concernment, who do not actually disturb the civil peace of the province, county, or colony that they shall make their abode in; but all and every such person and persons may, from time to time and at all times, freely and quietly have and enjoy his or their judgment and consciences in matters of religion throughout all the said province or colony, they behaving peaceably, and not using this liberty to licentiousness, nor to the civil injury or outward disturbance of others."

At this time in England the dominion of the Presbyterian party had just been superceded by that of the Episcopalian; and the injuries the latter had received, produced, as is natural, a spirit of intolerance against all dissenters and non-conformists. By the former party the use of the Book of Common Prayer had been forbidden, even in private houses; and thousands of Episcopal clergymen had been driven from their benefices, and subjected to insult

and injury. The House of Commons in 1661, on the other hand, began the retaliation, by resolving to expel from among themselves all who would not take the sacrament according to the form of the Church of England. Episcopal ordination was declared necessary for preferment to the livings of the church ; and in consequence several thousand ministers, in one day, were obliged to leave their benefices. These and other extreme measures were enacted, that show how little harmony existed between the religious parties at the period of the Restoration.

Of the eight proprietors of Carolina, all but the Earl of Shaftesbury were advocates of episcopacy. It may appear remarkable that in the charter, the civil rights granted to the colonists are secured to them by the king independently of the proprietors, while religious freedom was left subject to their will and restriction. But their liberal interpretation of this clause of their charter will be manifest in the unrestricted toleration of all sects, which they ordained in the body of laws or frame of government afterward prepared for their colonists in Carolina ; a toleration the more to be admired when we consider the spirit of prosecution which still warmly existed in all denominations of Christians in the mother country.*

But if we compare the charters of Connecticut [1662] and Rhode Island [July, 1663] with that of our own colony [March, 1663] it will be evident

* The charter "had an overplus power to grant liberty of conscience, although at home was a hot persecuting time." (Archdale's Descript. of Carol.) See also Case of Dissenters, in Appendix.

that the self-interest of Clarendon and his associates denied to Carolina many civil privileges, which it would not have seemed strange at that time to grant. The colonists of Connecticut elected all their officers without interference, made their own laws without the concurrence or veto of the king, and administered justice without appeals to the English courts. In Carolina, on the contrary, the governor and all superior officers were appointed by a body of noblemen separated from the colonists by the breadth of the Atlantic ocean, all laws were subject to the negative of the same noblemen, and appeals were allowed to the courts of England. The charter of Rhode Island constituted so pure a democracy, that it has been cherished as a system of republican government till our own days. Under that of Carolina, on the other hand, so pure an aristocracy was contemplated that the preamble of the subsequent "unalterable laws" of 1669, avowed the object of the proprietors to be an avoidance of a "numerous democracy." Even the proprietary charter of Maryland [1632], which is said to have been the model of that of our colony, was more liberal to the civil and religious equality of the settlers, and also secured to them an untrammeled participation in framing their own laws. In preparing the proprietary charter of Carolina, the royal power appears not to have been so much respected, nor the welfare and freedom of the settlers so much regarded, as the pecuniary advantages and political importance of the lords proprietors themselves, which we will endeavor to show in the following chapter.

CHAPTER IV.

The Proprietors dissatisfied with the results of their Colonial Policy—Treaty between England and Spain—A more perfect form of Government designed for the whole Province—The Fundamental Constitutions—The Founding of a New Colony to be governed by these Constitutions—The Settlement directed to be made at Port Royal—Wm. Sayle appointed first Governor—Jos. West commander of the fleet—Instructions to Sayle, West, and other Officers—Arrival at Port Royal—Leave Port Royal and settle on Ashley River—Old Charles Town—Death of Sayle.

THE beautiful and commodious harbor of Port Royal, which had excited the admiration of Spanish and French voyagers, became also the chosen spot for the first English settlement in Carolina. The colony in Albemarle had been begun by immigrants from Virginia before the proprietors obtained their charter; and its vicinity to the government of Sir William Berkley prompted the immediate extension of the proprietary authority over the settlers. But the hearts of the proprietors were fixed on Port Royal. In 1664, they dispatched to Barbadoes the ship *John & Thomas*, with arms and ammunition to be sold to all who desired to undertake, on liberal offers, a settlement at Port Royal. But the inhabitants of Barbadoes who wished to remove to Carolina, had in August, 1663, sent out commissioners in the *Adventure*, to explore the coast; and it was, no doubt, on account of the relation which they gave of the hostile disposition of the Indians, and the presence of Spaniards at Port Royal, and on account of their representation of the advantages of Cape Fear

River, that Major John Yeamans and his associates selected the latter place. Their choice was acceded to by the proprietors whose principal aim was to gain settlers for any part of their vast territory.* Yet soon after Yeamans was made governor of Clarendon county at Cape Fear, and the region extending thence to the southernmost limit of Carolina, it was declared that his commission should not be a hindrance to the appointment of another governor "in the proposed settlement to the south of Cape Romania,"† which was near the mouth of the Santee, and soon obtained the name of Cape Carteret, in compliment to one of the proprietors.

The third colony which it was now determined to form, was destined also for Port Royal; and it was the design of the proprietors to establish there, upon a constitutional basis, a system of government, commensurate with the magnitude of their dominion, and the high powers which they derived from their charter.

Six years had passed since they had been made the absolute lords of Carolina, and they had reason to be dissatisfied with the results of their efforts to colonize the country. At Chowan and Cape Fear, the increase of population and the development of the productiveness of the land had been retarded by the selection of unfavorable situations. Instead of the realization of sudden wealth, the colonists were contented if they gained the comforts of life from raising cattle, cultivating an untried soil, (chiefly

* Hilton's Relation.

MS. from papers in London.

with tobacco,) or felling the forests for the exportation of lumber. The proprietors did not, merely from motives of benevolence, concede extensive privileges and contribute their private means for the advancement of the colony. They had hoped for a large remuneration in a few years. But the profits of the little commerce that had begun in Albemarle and Clarendon, were reaped by the active shipowners of New England; and there remained only the rents of land to reimburse the heavy expenditure of the proprietors. Yet when the first payments became due, disturbances arose, the quit-rents were remitted, and for the sake of peace the settlers were further indulged with such changes in the terms of their lands as they themselves desired.

In the mean time, the treaty [1667] between England and Spain, acknowledging the claims of the English possessions in America, was calculated to encourage the proprietors in their contemplated settlement at Port Royal; to the accomplishment of which they now directed their earnest efforts. William Sayle had lately returned from a voyage among the isles along the coast of Florida,* and the proprietors, as we have noticed, solicited and obtained the addition of the Bahama group to their former grant. About this time, their previous indefinite policy with respect to their colonies became more settled under the influence of the Earl of Shaftesbury,† to whom,

* See Appendix, Ext. Winthrop's New Engl.

† The Earl of Clarendon, who lived in exile, took no active part in the affairs of the colony. The same remark may apply to the aged Duke of Albemarle, who, though elected in Oct., 1669, the first palatine, survived but a few months. Sir Jno. Colleton was dead. His brother had become proprietor in his stead.

it is believed, was committed the preparation of the plan for founding the new colony. The distinguished abilities of Locke, the friend of Shaftesbury, were engaged in this important task, and the celebrated "Fundamental Constitutions," which he framed, were solemnly adopted by the proprietors in July, 1669.*

The peculiar system of government designed by this constitution, will be seen in a brief view of some of its provisions.

One of the proprietors was chosen palatine or governor, with regal authority within the province. At his death, the oldest of the remaining proprietors should be his successor.

An hereditary nobility was created, consisting, besides the eight lords proprietors, of two orders, namely landgraves and caciques. Their dignity was supported by grants of large estates, and secured by making these estates forever inseparable from the titles and privileges of the respective orders.

The province was divided into counties; each county into eight seignories, which should belong to the eight lords proprietors; eight baronies, which should belong to the provincial nobility; and four precincts, each containing six colonies, which were reserved for the people.

Each seignory, barony, and colony contained 12,000 acres, which made each county 480,000 acres, or

* Locke also composed, at the request of Shaftesbury, a treatise on the Growth and Culture of Vines and Olives, the Production of Silk, &c. See his works. That Locke wrote the Constitutions is proved by the proprietors calling them "the excellent system of Locke." See Appendix. Lett. to Ludwell, 1693.

750 square miles. Of this land, the eight proprietors would have 96,000 acres; and as there were to be as many landgraves as counties, and twice as many caciques, each landgrave's share was appointed to be four baronies, or 48,000 acres, and each cacique's share, two baronies, or 24,000 acres. There were left three-fifths of each county, or 288,000 acres, for the people.

These proportions of land and of the provincial nobles, were to be invariably preserved as an increase of counties should be made in the province. The effects of this arrangement might be seen from the mode of establishing the parliament. "There shall be a parliament consisting of the proprietors, or their deputies, the landgraves and caciques, and one free-holder out of every precinct to be chosen by the free-holders of the said precinct respectively. They shall sit all together in one room, and have, every member, one vote."

The landgraves and caciques were created by the lords proprietors; and consequently the parliament, composed in this manner, would have given a majority to the aristocracy until nine counties should have been formed, when the representatives of the people would have obtained a majority of one vote. But this would have been of no avail to the democratic element of the government, since the proprietors themselves had a vote on all laws passed by the Provincial Parliament. In carrying out this system, other provisions were included in the fundamental laws, resuscitated, perhaps, from the times of King Alfred, but unsuited to the usages of the colonists,

and discordant with their notions of personal freedom. Any lord of a seignory or barony was permitted to lease, for a term of years, a part of his estate; and if it were in one piece, containing between 3,000 or 12,000 acres, it might constitute a manor, by grant of the palatine's court. The lord of each seignory, barony, or manor, could try his leetmen or vassals, in all civil and criminal cases, without appeal, except by previous registered agreement. Nor could "any leetman or leetwoman have liberty to go off from the land of their particular lord and live anywhere else, without license obtained from his said lord, under hand and seal."

In framing also the higher judicial tribunals, the wisdom of the legislator did not overlook the impartial administration of justice; but the power and interests of the proprietors and nobles were made pre-eminent, and their position and honors, perhaps, too much exalted above the people. There were eight superior courts, the palatine's, chancellor's, chief justice's, constable's, admiral's, treasurer's, high steward's, and chamberlain's; and besides these, county courts and precinct courts. Among the officers of the supreme courts, were vice-chancellors, recorders, justices of the bench, masters, marshals, lieutenant-generals, consuls, proconsuls, under-treasurers, auditors, comptrollers, surveyors, vice-chamberlains, and provosts.

The chief executive authority was in a grand council, which had power to determine controversies between the proprietors' courts, arising from conflicting jurisdictions and methods of proceeding—to make

peace and war—to conclude treaties with the Indian tribes—to issue general orders for raising, directing, or disbanding the forces by sea or land—and to dispose by their orders on the treasury of all money granted by acts of the parliament.

Whatever matters were proposed in parliament must first have been proposed and passed by the grand council. While the parliament was biennial, (and could be dissolved by the governor with the consent of any three deputies,) on the other hand, the grand council met monthly, and oftener if necessary. It was to consist of the palatine and seven proprietors, or their deputies, and the forty-two councilors of the proprietors' courts; and these were so chosen as to give a preponderance of power and influence to the proprietors and their nobles.

Fifteen clauses of the Fundamental Constitutions relate to religion. The most peculiar of these enact that every person above seventeen years of age should, under penalty of forfeiting the benefit and protection of law, be a member of some church or profession, and of only one at a time; that no one should hold an estate, or even dwell within the province, who did not acknowledge a God, and that he is publicly and solemnly to be worshiped; but this was not to exclude Jews, or heathens, provided seven or more of them agreeing in their persuasion, should form a church and adopt a name to distinguish themselves from others. "No person whatsoever shall disturb, molest, or persecute another for his speculative opinions in religion, or his way of worship."

It is worthy of notice also, that no law passed by the parliament could become permanently of force unless ratified by the seals and signatures of the palatine himself and three more of the lords proprietors; that no commentaries should be made on the laws or any part of the Fundamental Constitutions; that all laws should expire, without a repeal, at the end of every sixty years; that juries should render their verdicts by a majority of the twelve; that no one should plead another's cause till he had taken an oath in open court that he did not plead for money or reward; that every freeman should "have absolute power and authority over his negro slaves;" that the owners of land, upon any title or grant whatsoever, should, after 1689, pay to the proprietors an annual rent of a penny an acre; that any alien could become naturalized by subscribing the Fundamental Constitutions; and that no one in the province should be considered a citizen, who did not after seventeen years of age subscribe the same and promise to defend and maintain them to the utmost of his power.

Such was the grand model and favorite plan of government, which, the proprietors said in their preamble, we have agreed "to be perpetually established amongst us, unto which we do oblige ourselves, our heirs and successors in the most binding ways that can be devised;" and which they also very truly stated to be for "establishing the interest of the lords proprietors with equality and without confusion, and that the government of this province may be made most agreeable unto the monarchy under

which we live, and of which this province is a part, and *that we may avoid erecting a numerous democracy.*"

At the time of the adoption of these Fundamental Constitutions, the officers to conduct the expedition to Port Royal, and to govern the colony, had been already chosen, and their commissions and instructions prepared.

The commission of Gov. Sayle [July 26, 1669] conferred upon him the executive power, restricted by the advice and consent of a majority of the council. The acts of the governor and council were also to be conformable to the instructions annexed to the commission, and to the Fundamental Constitutions and form of government transmitted at the same time, engrossed on parchment and under the hands and seals of the proprietors.

If Governor Sayle should leave the province, he was empowered, with the approbation of a majority of the council, to appoint a deputy governor with the same powers that had been conferred upon himself. Or in case of Gov. Sayle's death, or departure without the nomination of a deputy, then the council should appoint a governor to act until the pleasure of the lords proprietors could be made known. In a new settlement many things were necessarily left to the discretion of the governor. But as the interests of the proprietors were most affected in the disposal of land, it was strictly enjoined that grants of land should be issued by the governor only with the consent of a majority of the ten councilors, that is of six, three of whom should be deputies of the proprietors.

The instructions referred to in this commission, state that as "the number of people which will at first be set down at Port Royal, will be so small, together with want of landgraves and caciques, that it will not be possible to put our grand model of government in practice at first, and that notwithstanding we may come as nigh the aforesaid model as is practicable—First, as soon as you arrive at Port Royal, you are to summon all the freemen that are in the colony, and require them *to elect five persons*, who being joined to the five deputed by the respective proprietors, are to be your *council*, with whose advice and consent, or at least six of them, all being summoned, you are to govern according to the limitation and instructions following, observing what can at present be put in practice of our Fundamental Constitutions and form of government. Secondly: You are to cause all the persons so chosen to swear allegiance to our sovereign lord the king, and *subscribe fidelity and submission to the proprietors and the form of government* by them established. But in case any man for religion's sake be not free to swear, then shall he subscribe the same in a book for that use provided, which shall be deemed the same with swearing."

Gov. Sayle was further instructed to select, with the aid of council, a suitable spot on which to build a fort, under the protection of which the first town should be placed. In this fort their stores of all sorts should be kept. If the town should be built on an island, the whole island should be for the people; if on the main land, the adjacent lands should be for

the people, in order that they might at first dwell near each other. But no lands for the people, the proprietors, or nobility, were to be taken within two miles and a half of any Indian town (if on the same side of a river), as it was hoped that the Indians would be induced to become a part of the colony.

With the consent of council, the governor should establish "such courts and so many" as should for the time be necessary for the administration of justice, till the "grand model of government" could be put in execution.

The governor was instructed "to summon the free-holders of the colony and require them in our names *to elect twenty persons*, which, together with our deputies, for the present are to be your *parliament*, by and with whose consent, or the major part of them, you are to make such laws as you shall from time to time find necessary; which laws being ratified by you, and any three of our five deputies, shall be in force as in that case provided in the twelfth and other articles of our Fundamental Constitutions and form of government."*

To induce speedy immigration, all free persons above sixteen years of age that should come to settle in the colony before the 25th March, 1670, should have 150 acres of land for himself, and 150 more for every able man servant he should bring with him,

* The power granted by Charles II. to the eight proprietors, "who again, by common consent, centered that power in four of them, viz.: in a palatine of their own election, and three more, who were empowered to execute *the whole powers of the charter*, and is called a palatine's court, their deputies in Carolina executing the same, as from their principals they are directed."—Archdale's Descript. of Car.

and 100 acres for every woman servant, or man servant under sixteen years of age; and all servants should have 100 acres apiece, as their own, when their term of service should have expired. If such persons arrived after the above date and before 25th March, 1671, they should be entitled to less land; and to still less if they arrived in the year ending 25th March, 1672.

As the tenure of land was of great importance to the settlers, it was ordered that when the claim of any person to a certain portion of land was made apparent to the governor and council, they should issue a warrant to the surveyor-general, who should lay out the land, and the same having been recorded, and the person having sworn or subscribed allegiance to the king and fidelity to the Fundamental Constitutions, a grant should be issued by the governor in the name of the proprietors, entitling him and his heirs and assigns to the land forever; provided that, after the 29th September, 1690, he should pay to the proprietors the annual rent of a penny, or the value of a penny, for every acre. This grant should be signed by the governor and three of the council, and being recorded, should be a "full and prime conveyance of the land."

The governor and council were also instructed to control the furnishing, from the stores of the proprietors, of victuals, clothing and tools, to such of the poor settlers as should need them; and to direct the amount of presents, from the same stores, that should be given to the neighboring Indian chiefs to secure their goodwill and friendship.

Suitable instructions of the same date were prepared for Mr. Joseph West, who was commissioned "governor and commander-in-chief" of the "fleet and the persons embarked in it bound for Carolina," until his arrival at Barbadoes.

He was first to sail to Kinsale, in Ireland, to obtain twenty or twenty-five servants for the proprietors, whose object was to form a plantation in the vicinity of the first settlement at Port Royal, under the management of Mr. West. In the various soils experiments were directed to be made in vines, olives, ginger, cotton, indigo, and different vegetables, such as Indian corn, beans, peas, turnips, carrots and potatos; and he was wisely told "never to think of making any commodity your business further than for experience sake, and to have your stock of it for planting increase till you have sufficiently provided for the belly by planting store of provisions, which must in all your contrivances be looked upon by you as the foundation of your plantation." He was also instructed to fence off a piece of ground for cattle, to be obtained from Virginia, and to get hogs from Barbadoes while on his voyage to Port Royal.

Mr. West was appointed also storekeeper in the colony for the goods sent out by the proprietors, and which he was instructed to put in store-houses within the fort at Port Royal, and to deliver every week, to such persons as the governor and any three of the deputies should direct, certain portions of beef, peas, flour, oatmeal or bread, and tools, clothes, and fish-hooks; but on a credit of three months, after which such persons were required to give their obligations

to a recorder for the amount received, and were charged interest at ten per cent. for the time it should remain unpaid.

If there should be no money in the settlement, payment could be made in articles of produce at specified rates, as two pence or three pence a pound for ginger, according to its preparation, and other rates for indigo, silk, cotton, wine, olive oil, wax, and pipe staves; for such commodities it was then supposed would be the products of the colony.

The warlike stores were also to be kept within the fort, under the charge of Mr. John Rivers, and guns, powder, and shot could be procured by the settlers on the same terms.

One of the ships commanded by Mr. Henry Braine, after the landing of the settlers, was to return to Barbadoes or to Virginia, for the purpose of conveying passengers or freight again to Port Royal. He was thence to sail to whatever port Governor Sayle, Mr. West, and himself should decide upon.

Thus we perceive how carefully, and in many respects how wisely, the lords proprietors projected the first settlement of South Carolina. They provided, it is true, for their own interests in the political, agricultural, and commercial arrangements which they designed; yet the security and welfare of the settlers were not neglected; and a people willing to submit to the peculiar plan of government and to the proposals of the proprietors, might have found in their condition nothing wanting to make them happy but industry and contentment.

We are left in doubt with regard to the time at

which the expedition set sail. It is said to have left England in January, 1670. The care and preparation bestowed by the proprietors upon the preliminary plans of the settlement, were followed by equal energy and solicitude in their execution. At their joint expense they sent out three vessels and several hundred able men, with provisions for eighteen months, and tools, ammunition, and whatever else was thought necessary for a new settlement.* The majority of the settlers, including Governor Sayle, were in religion dissenters from the Church of England; a fact worthy of notice on account of its connection with the Fundamental Constitutions under which they were about to be governed.†

The fleet, whether it sailed to Ireland and Barbadoes or not, we are certain reached the islands of Bermuda in February, 1670.‡ It sailed thence and arrived at Port Royal, in Carolina, on the *seventeenth day of March*.§

In the absence of minute records we can only presume that, in accordance with his instructions, Go-

* Appendix. Wilson's Pamphlet, 1682. Letter to Sothill in Appendix.

† See Petition of Boon—Appendix.

‡ Appendix—Sayle's Codicil.

§ See Appendix. Council Journal—case of Christopher Edwards and Richard Deyos. The decision was made by West and others who had arrived in the first expedition. By Sayle's Codicil they were at Bermuda in February. The instructions of the proprietors directed them to Port Royal, and early accounts state that they went there. Wilson, secretary to the proprietors in London, in his pamphlet dedicated to the palatine, asserts the first arrival of the colonists at *Ashley River* to have been in April. By antedating the two years in the case of Edwards and Deyos, the arrival at Port Royal I give on 17th March, 1670.

vernор Sayle immediately summoned the freemen who accompanied him, and that they elected five persons to constitute the grand council in conjunction with the governor, who represented the palatine (the Duke of Albemarle), and with five other deputies respectively of the Earl of Craven, Lord Berkley, Lord Ashley, Sir George Carteret, and Sir Peter Colleton; who, it seems, were at that time the proprietors residing in England.

By the advice of this council the place for building a fort and a town was to be selected. Their determination not to begin their settlement at Port Royal was no doubt in consequence of its exposure to the attacks of the Spaniards from St. Augustine by sea and land, and the evident connection of the neighboring warlike Indian tribes with the Spanish interests. No cause less than the security of the infant colony could have justified the abandonment of the situation chosen by the proprietors. Probably before the vessels were sent on the voyages to which they had been ordered in England, Governor Sayle and his colonists were transported to Charleston Harbor, which was called by the Spaniards St. George's Bay. In the following month of April, they disembarked on the first high land on the western bank of the Keawaw or Ashley River, on a neck of land which they named Albemarle Point.* Here they entrenched themselves, and began to lay off streets and town lots, and to build a fortification and dwelling-houses. It appears that it was not till the following year that

* At present a part of the plantation of W. M'K. Parker, Esq.

the name of "Charles Town" was given to their place of settlement.

Scarcely had the settlers entrenched themselves, when the jealous Spaniards sent from St. Augustine a party to attack them, although peace then subsisted between Spain and England. The vessel of the Spaniards entered Stono inlet, but having found the colonists stronger than they expected, they hastily returned to St. Augustine.

In September, Governor Sayle was so reduced by sickness that he made a final disposition of his property, bequeathing his "mansion house and town lot in Albemarle Point" to his son Nathaniel. Within a few months afterward he died. No record or tradition informs us of the spot where repose the remains of the first governor of South Carolina.

CHAPTER V.

Joseph West ministers by choice of the Council—a Parliament formed—Powers of the Grand Council—Condition of the Government—Arrival of Settlers and Towns laid off for them—Temporary Laws and Instructions of 1671—Instructions to Capt. Halsted—Remarks on the Conduct of the Proprietors—War with the Kussoes—Acts passed by Parliament—Sir John Yeamans claims the office of Governor—Denied by the Council—Appointed Governor by Proprietors—His Administration—Introduction of Negro Slaves—The Proprietors dissatisfied with Yeamanus—Popular Disturbances—Incursion of the Spaniards—West appointed Governor—Prosperous Condition of the Colony—Popularity of Gov. West—Alteration of the Fundamental Constitutions of 1669—A second Set sent out—Rejected by Parliament—Temporary and Agrarian Laws of 1672—Political Parties begin in the Colony—Accession of Settlers—Plantation of Long Island under Governor Percival—Proprietors take the Indian Trade into their own hands—Cession of Land by the Indians—War with the Westoes—Removal of Charles Town to Oyster Point—Condition of the Colony—Policy of the Proprietors—West superseded as Governor.

COLONEL JOSEPH WEST was probably nominated by Gov. Sayle, during whose last sickness or immediately after whose death, he was chosen by the grand council to act as governor, in accordance with the first instructions of the proprietors. We are certain that he was filling this office on the 10th April, 1671.

The grand council elected by the freemen on the arrival of Sayle, continued to govern the colony until the proprietors' ship, the *Blessing*, brought further instructions in August. On account of the loss of records, we have no knowledge of a parliament during the administration of Gov. Sayle. That

which was now elected chose, on the 25th of the same month, five of their members (Thomas Gray, Maurice Mathews, Henry Hughes, Christopher Portman, and Ralph Marshall) to be members of the grand council, in conjunction with the governor and deputies of the proprietors (Capt. John Godfrey, Stephen Bull, William Owens, Sir John Yeamans, and John Foster).

The powers of the council were extensive and indefinite. The governor acted as ordinary and presiding judge. The council directed the military affairs of the province, the police regulations of the town, the disposal of lands, the commerce of the port; and, as a court, heard and decided causes of almost every nature. Complaints and petitions were made to them; and committees or arbitrators were appointed, whose reports were acted upon, and execution ordered according to the evidence submitted. Their decisions were respected even when heavy fines and severe punishments were inflicted. The only instance of disregard of their authority, was the abusive conduct of the commander of the *Blessing*, who for "contempt of the honor of the lords' proprietors, and the present government of this province," was forthwith committed into the custody of the marshal, until he gave security "for his good behavior."

The representatives of the people, or Commons House of Assembly, elected at this time, seem to have possessed but a small share in the administration. The upper house, which completed the legislature, were the governor and council, by whom all acts were

first passed and then proposed to the Commons. But most of the acts of a legislative character were passed as ordinances of the council alone. The other officers were a secretary of the province (Mr. Joseph Dalton) and a marshal (Mr. Thomas Thompson). The military companies were commanded by Capt. John Godfrey and Capt. Thomas Gray. A night patrol was performed by all the inhabitants in turn, the town people performing duty twice as often as the owners of the adjacent farms, which required a constant watch against the spoliations of surrounding Indians. Care was taken to have the people well supplied with arms; and by law the gunsmiths in Charles Town were bound promptly to refit all firearms that needed repair. It was not till May, 1672, that the fortification was finished, when Stephen Bull was "commissioned Master of the Ordnance and Captain of the fort in Charles Town."

The inhabitants generally were observant of the regulations established among themselves. The slightest infringement on the rights of property, or any insubordination on the part of the lower class of emigrants (such as had come as servants from England) was not permitted to pass unredressed. A spirit of faithful allegiance to the King of England, and obedience to the lords proprietors, characterized the settlers; while great activity was shown by the grand council in their meeting weekly, and at times more than once a week, to attend to the various duties which devolved upon them.

For the encouragement of the seamen of the *Blessing* (who were ten in number), the grand coun-

cil gave them the same proportion of land as was given to immigrants, provided they would settle upon it or send a servant to do so within the time required of other settlers. Such seamen as had previously received grants of land, were now also required to have it settled within two years from the time of their grant. By the same ship several families had arrived, no doubt from England, for whom lands and a town were ordered to be laid out on Stone Creek, westward of Charles Town, and in its vicinity.

Since the adjacent lands were rapidly taken up by the selection of the settlers, provision was made in October, 1671, for the accommodation of future immigrants by appointing a committee of five members of council to examine the banks of the Ashley and Wando or Cooper River, for suitable places for towns, which should be reserved wholly for this purpose.

Pursuant to an order of council on the 18th of August, Capt. Halsted had proceeded to New York, and returned in December with immigrants. The ship *Phoenix* also brought a number of families from the same place. The principal of these newcomers was Mr. Michael Smith, with whom a committee of council were directed to select a place for settlement on a creek south of Stono, and to lay off a town to be named James Town, the houses in which should be "twenty feet long and fifteen feet broad at least." It was ordained also that in future a list of all immigrants should be recorded in the secretary's office, and that captains of vessels should give bond not to carry off any of the inhabitants without a special

license. Before the furnishing of such list and bond no vessel could land any part of its cargo.

Capt. Halsted at his last arrival had brought three letters from the proprietors, addressed to Gov. Sayle; and these no doubt contained the temporary laws and instructions, dated in London, May 1, 1671, at which time the death of Sayle was not known to the proprietors. They had, however, received information of the settlement made on Ashley River in the spring of 1670.

The temporary laws were intended for the government of the colony until the increase of the inhabitants would admit of the administration according to the Fundamental Constitutions.

It was ordained by these laws, that the Palatine should name the governor, and each of the other proprietors a deputy, who with an equal number chosen by the parliament, should continue to be the council. And when landgraves and caciques should be created by the proprietors, as many of them as should equal the number of the deputies of the proprietors should also be members of the council, that "the nobility may have a share in the government, and the whole administration may still come as near the form designed as the circumstances of the growing plantation will admit." This grand council should have all the powers prescribed for it in the Fundamental Constitutions, and also of the "other courts," till they should be separately instituted.

The dignities assumed by the lords proprietors should entitle them respectively to the appointment of all the chief officers in the colony, and the num-

ber of their deputies was directed by suitable arrangements always to be kept full. Besides securing to themselves the largest share in the administration, the principle was announced that the balance of the government chiefly depended on the proper proportion of landed estates held by the proprietors, the nobles, and the people.

An addition was subsequently made to these temporary laws, that no Indian upon any occasion or pretense whatsoever should be made a slave, or carried out of the country against his will. [About 1683.]

In these laws, reference was made to a set of Fundamental Constitutions, different from those first sent out and not yet made known to the colonists. Another set were really prepared which were not as favorable to the religious liberty of the settlers, and which, when made known, in February, 1673, were rejected by them and gave origin to an active opposition to the plans of the proprietors.

The instructions of the same date, which were addressed to Gov. Sayle at Ashley River, consisted of twenty articles, directing that the freeholders should choose twenty representatives to be joined with the council as a parliament, which should be convened in *November every two years*. They were, as a first act, to choose five members to the grand council. Liberal grants of land were promised to settlers and their servants. Particular directions were given for laying out a town, and a plan or model was sent. The governor was told to persuade the people, if possible, to settle high up in the country,

"to avoid the ill air of the low lands near the sea, which may endanger their health at their first coming." (This advice must have been in consequence of sickness that occurred in the summer of 1670, and which had destroyed the health of the governor himself.)

It was also intimated that the first convenient healthy highland upon the river Ashley "might be a fit place to build the chief port town on, for unloading of ships that shall come to Carolina."

The governor was instructed, in case of invasion from the Indians, to do all that should be requisite for the defense and security of the settlement, yet to use every means to gain the friendship of the surrounding tribes. Since beads were highly prized by these savages, particular care should be taken not to allow every settler to barter beads with them, lest such articles should become too common and cheap in their estimation.

The settlers who were indebted for stores furnished, might work out their debts by felling and preparing timber "at moderate rates" for a cargo for the vessel of Capt. Halsted, who would sell it in the West Indian Islands for the proprietors.

In this letter it was announced that Sir John Yeaman, James Carteret, and John Locke had been created landgraves of Carolina, and 12,000 acres of land should be set out for each, whenever they should desire it.

The instructions to Capt. Halstead, which embrace eighteen articles, almost wholly concern the cause of mercantile adventure upon which he was dispatched;

but his voyage should particularly subserve the transporting of passengers or settlers to the colony, whenever they offered themselves. He was also directed to explore the Ashley, Wando, and "Sewa" rivers; and to communicate to the settlers all useful information that he could obtain of the best modes of raising agricultural products, as tobacco, indigo, cotton, mulberry trees for silkworms, &c. He was also instructed to tell the Carolina settlers, with reference to the supply of provisions which he carried to them, that the proprietors had "been so much out of purse" for their good, that it was expected of them in return to be "fair and punctual" in repaying what they had got, "upon which fair dealing of theirs will depend the continuation of our supplies."

We cannot refrain from remarking that the "true and absolute lords" of the immense region of Carolina, (with all its mines, quarries and fisheries,) whose object was declared to be the diffusion of the Christian religion among those who knew not God,—must now have appeared to the colonists to abandon their dignity and best policy for sordid calculations. Instead of the gospel, the Indians were offered only glass beads; and the needy colonists, who were yet struggling to maintain themselves, were required to repay what had been granted them (with 10 per cent. interest) by preparing cargoes of timber "at moderate rates." Their lordships were already "so much out of purse" for their benefit, that unless punctual payment should be made, the settlers should expect from them no more ammunition or fish-hooks, blankets or provisions. At the same time a nobility

was thrust upon them, the first set of the unalterable Fundamental Constitutions was repudiated, and another set with essential alterations substituted, and numerous laws established without the concurrence of the people (as the charter required) and to which they were expected to yield an unmurmuring obedience.

All these circumstances, however, were not yet known in the infant colony, and complete harmony still prevailed through the prudent management of Gov. West, who looked rather to the necessities by which he was surrounded than to plans and theories that emanated from the other side of the Atlantic.

The tribe of the Kussoes were the first among the neighboring Indians to assume an attitude of hostility toward the English settlement. They and their confederates in the small tribes southward of Charles Town, began, in the summer of 1671, to withdraw themselves from their usual familiar intercourse with the colonists, and to discourage other Indians who were friendly and in the habit of visiting the town for the purpose of traffic. The Kussoes declared themselves to be in favor of the Spaniards, with whose aid, they said, they intended to destroy the English settlement. Day by day their behavior became more insolent; and on every slight occasion they threatened the lives of the whites, whose property and provisions they looked upon as objects of plunder. Every unguarded farm suffered from their nightly depredations. More open acts of hostility were only prevented by the constant vigilance of the settlers.

On the 27th September, the governor and council

met and ordained that war should be forthwith begun against the Kussoes and their confederates. Commissions were granted to Captain Godfrey and Captain Gray. Two Kussoes, who were then in town, were immediately seized and placed in custody. So accustomed were the colonists to be on the alert, and to have weapons in hand to protect themselves from surrounding dangers, that within seven days companies were formed, the enemy's country invaded and surprised, and many of the Indians taken captive, and ordered, on the 2d October, to be transported from Carolina, unless the remaining Kussoes sued for peace, and paid such a ransom for the prisoners as should be thought reasonable by the grand council.

This bold and effectual movement was made by the colonists when their condition was so essentially weak that the companies were obliged to act as a guard upon the captives whom they had taken, and their remuneration for services in the expedition was the ancient soldiers' pay, namely, the sale or ransom of their prisoners.

In the winter of 1671 a scarcity of provisions rendered it probable that the settlers would suffer great distress. With the habitual forethought of Gov. West, it was ordained that the supplies in the store of the proprietors should be frugally distributed to the needy; that all occupations, (except those of carpenters and smiths,) should be suspended for the planting and gathering of a crop of provisions; that in future no one should be entitled to assistance from the public store who had not two acres well planted

with corn or peas, for every person in his family; and that slothful and loitering persons should be put in charge of the industrious planters for the purpose of working for their own maintenance and the benefit of the community.

It will serve to exhibit the condition and progress of the colony during West's first administration, to notice the acts passed by parliament and those proposed to them by the council, and which no doubt was also passed.

October, 1671.—The regulation of the secretary's fees—The regulation of the marshal's fees—The rates and “scantings” of merchantable pipe staves, requiring the appointment by council of one or more “viewers” to examine all pipe staves when “any difference should happen upon payments or exchange between party and party in the province of Carolina,” and the fees allowed for performance of such duties—The modeling of the proceedings of council in the determining of difference between party and party.

December, 1671.—Acts relating to masters trading with servants, servants with servants, and servants purloining their masters' goods—Servants coming from England, how long to serve, and servants coming from Barbadoes, how long they shall serve from their respective arrivals—That none may retail any drink without license—For the speedy payment of the lords proprietors' debts; “and at what rates artificers and laborers shall work therein.” This is the first act of parliament which we find to be ratified by the proprietors in England.

At a meeting of the grand council on 14th December, 1671, Sir John Yeamans having been made a landgrave by the proprietors, claimed, according to the Fundamental Constitutions, to be vice-palatine, and consequently governor of the province. But the council were so well satisfied with the administration of Col. West, that they “resolved and advised (*nemine contra dicente*) that it is not safe or warrantable to remove the government as it is at present, until a signal nomination from the palatine, or further orders or directions be received from the lords proprietors.”

But Yeamans had already been commissioned governor on the 21st August, when the proprietors had become aware of the death of Col. Sayle. He was the son of Robert Yeamans, alderman of Bristol, whose life and property were sacrificed by his adherence to the royal cause. At the time of the colonization of Carolina, Major John Yeamans was residing in Barbadoes, whither he had emigrated in quest of fortune. When he solicited a tract of land from the proprietors for establishing a settlement with a large number of persons from Barbadoes, he was received with favor as a man of influence and energy; and together with their commission as governor of Clarendon county, there was also bestowed upon him from the king the title of baronet. Being indebted for his honors to the friendship of the proprietors, he evinced an active zeal for the promotion of their interests in the province. But after a careful management of his colony in Clarendon for four or five years, he returned to Barbadoes; and the same desire

of riches that had guided him hitherto, led him thence to the Ashley River soon after the arrival of Sayle. Here he obtained grants of land, and engaged in the exportation of lumber and provisions to the British islands in the West Indies. He was the first who introduced negro slaves into Carolina, whom he brought from Barbadoes, in 1671, to cultivate his plantation on Ashley River. Having left Charles Town after the refusal of the council to entertain his claims to the government, he did not return until he had received his commission as governor of Carolina south and west of Cape Carteret. On the 19th April, 1672, he was proclaimed at Charles Town, and a proclamation was also immediately issued "to dissolve all parliaments and parliamentary connections heretofore had or made in this province," and all the freemen in the colony were summoned to assemble on the 20th to elect a new parliament. Twenty members were accordingly elected, who chose from their number Stephen Bull, Christopher Portman, Richard Conant, Ralph Marshall, and John Robinson, members of the grand council. The deputies were Col. West, Capt. Thos. Gray, Capt. Jno. Godfrey, Maurice Mathews and William Owens.

The instructions sent from the proprietors on 16th December, 1671, to Sir John Yeamans and the council, required them to govern by the Fundamental Constitutions, temporary laws and instructions previously sent, observing that in cases of difference, those of the latest date should be followed; that nothing should be debated or voted in the parliament "but what is proposed to them by the council;" and

that on all occasions they should facilitate Capt. Halsted's explorations in the province.

The first acts of the new administration were directed to the accurate survey and recording of the lands hitherto granted to settlers, with a view to the more definite claims of quit-rent, and the introduction of more of the forms of the Fundamental Constitutions. Stricter regulations were ordained against leaving the colony. Those who should desire to do so were obliged to set up their names in the secretary's office; and if any person objected to their departure, he wrote his name within twenty-one days beneath the names so set up, and the reasons for his objection were heard by council before a permission to leave could be obtained. It was resolved (perhaps as a check upon Sir John Yeamans) that for the better safety of the settlement, the governor should live in town. The following acts were at this time proposed to the parliament:—1. For the uniform building of Charles Town. 2. For building a bridge on the southward part of Charles Town. 3. An additional act against fugitive persons or absentees without license. 4. Against selling or disposing of arms or ammunition to the Indians.

Col. West, besides the superintendence of the plantation and stores of the proprietors, was made "register of all writings and contracts." In June, 1672, at his request the council resolved that twenty persons from the debtors to the proprietors should furnish servants to cut and prepare a cargo of lumber for the *Blessing* at its next arrival. On the other hand, Gov. Yeamans was entering upon plans which demanded an

increased expenditure of the private resources of the proprietors. The colony was placed in a state of security against invasion. Cannon were mounted at "New Town, on Stono Creek," and a "great gun" was fired at Charles Town on the approach of any vessel. The inhabitants were armed, and six companies enrolled under Lieutenant-col. Godfrey. The toils of cultivating the fields were borne chiefly by white servants from England, or Indian slaves purchased from their enemies; yet while the settlers could scarcely raise sufficient provisions for their own consumption, Sir John Yeamans was engaged in buying from them their produce, and exporting it at great gain to the island of Barbadoes. The proprietors, instead of being repaid, incurred "a debt of several thousand pounds" before the end of 1673, and were still solicited for further aid and a stock of cattle from England.

Ten years had passed since the grant of their charter, and the same causes of dissatisfaction that had existed at Chowan and Cape Fear, now also existed on the Ashley. The proprietors became unwilling to send any more supplies with no hope of repayment; "for we thought it time," they said, "to give over a charge which was like to have no end, and the country was not worth having at that rate." They contrasted the "care, fidelity, and prudence" of Col. West with the ill management of Yeamans, who had immediately "altered the face of things," and seemed to aim at bringing the colony to no other pitch than to be subservient, in provisions and timber, to the interest of Barbadoes." They therefore

revoked their commission to him, and created West a landgrave and governor in April, 1674. Sir John Yeamans had previously retired in feeble health to Barbadoes, where he died in August, possessed of considerable wealth, but having lost much of the reputation which he enjoyed when he entered upon the government of the colony at Charles Town.

The necessities of the people at the close of Yeamans' administration were of so pressing a nature as to occasion great unquietness among the settlers. Capt. Florence O'Sullivan had been the first surveyor-general of the province, in which office he was succeeded by John Culpepper, in 1671. During the commotions in Charles Town, which were fomented chiefly by Culpepper, the colonists were anticipating an invasion from the Spaniards of St. Augustine. It is said that O'Sullivan had been put in charge of a cannon on the island which now bears his name, in order to alarm the town in case of the appearance off the bar of any Spanish vessels. But being ready to perish with hunger there, he deserted his charge, and took part with Culpepper, in the disturbances at Charles Town, when he was arrested by the marshal for seditious conduct, and required to give security for his future good behavior.* Culpepper afterward retired into North Carolina, and was soon involved in political commotions there. To alleviate the imme-

* We have no clear information of the nature and object of these commotions. The story of O'Sullivan's having charge of a cannon on so exposed a situation, and of the seditions at Charles Town, are given from Hewit, who is not good authority in this part of our history. But I have not felt at liberty to reject his account altogether, from the partial corroboration in Chalmers' Pol. Ann., p. 304, Carr Col.

diate distress of the colonists, a supply of provisions was brought from Barbadoes* and Virginia. But the proprietors themselves, though reluctant, had dispatched provisions, with clothes and tools, for the encouragement of the industrious, and promised a yearly supply "to be had at moderate rates by those that would pay for them." In reply to the request for cattle, they told the colonists it was their design "to have planters there and not graziers." If they wished to stock Carolina, they said, they could do better by sending over bailiffs and servants of their own, who would obey their orders, plant where they directed, and not as the settlers had done, take up more land than they could use, and after excluding others from their vicinity, complain of a want of neighbors.

The apprehensions of an attack by the Spaniards were not without foundation. The occupation of Port Royal, or its vicinity, was always regarded as an encroachment upon lands which they jealously claimed as their own. Occasionally servants deserted the English settlement and sought to reach St. Augustine, but were generally brought back by Indians sent in pursuit. Dennis Mahoon had been "stript naked to his waist, and received thirty-nine lashes upon his naked back;" and John Radcliffe, on suspicion of a similar desertion, had been kept for a long time in irons, and no accuser appearing had been condemned to five months servitude beyond his term of contract. James Willoughby and Thomas Munristu

* For the flourishing state of Barbadoes, see Martin's Brit. Col., vol. 2, pp. 324-328. Whites, 50,000; Negroes and colored, 100,000, in 1674. In 1666, 20,000 infantry and 3,000 cavalry.

were tried for the same offense. On the other hand, many servants who had been active and faithful were rewarded by the grand council; and some by their industry soon acquired wealth and respectability in the colony. But it was left for Brian Fitzpatrick, "a noted villain," to desert to the Spaniards at this time and inform them of the distressed condition of the settlers. An attacking party was immediately sent from the Spanish garrison, and took post at St. Helena Island. But on the approach of Colonel Godfrey and fifty volunteers, they retreated to St. Augustine, to await a more favorable opportunity to effect their cherished design of destroying the English settlement.

The seasonable arrival of the proprietors' ship restored animation to the colonists. It is worthy of remark, however, that there appears never to have been so great a scarcity of food as to endanger the lives of the people. There were failures at first in attempting to raise such grains and fruits as were not best adapted to the soil and climate. But fish and oysters, an abundance of game in the woods, the fertility of the land in producing Indian corn and peas, and the neighborhood of other English colonies, were sufficient to insure the settlement from any fear of starvation. Even in the times of greatest complaint, in 1673, provisions were exported to Barbadoes. That Governor Yeamans engaged too extensively in his exports was perhaps the chief cause of the clamors and discontent of the populace. In a few years after these events, although wine, olive oil, and silk were not among its exports, the colony

produced abundantly various fruits, and corn, wheat, rye, barley, oats, peas, turnips, parsnips, carrots, potatos, and "twenty sorts of pulse, not raised in England, all of them very good food, insomuch that the English garden is not regarded." It was then, too, the custom of the planters to engage the services of an Indian hunter for less than twenty shillings a year, who could supply a family of thirty persons "with as much venison and fowl as they can well eat." Some planters had as many as eight hundred head of cattle, and salted beef began to be exported. Hogs were raised with little trouble; "Barbadoes, Jamaica, and New England affording a constant good price for their pork, by which means they get wherewithal to build them more convenient houses, and to purchase servants and negro slaves." [Wilson, 1682.] From the earliest period also, pipe staves and lumber were exported to the West Indies, and sugar, molasses, and rum received in return. In November, 1680, there rode at anchor in Charles Town harbor sixteen trading vessels.

These were some of the results of the wise management of Colonel West, whom the proprietors declared in May, 1674, the "fittest man" to be governor of Carolina. His annual salary as keeper of the stores was £60, commencing in August, 1669; and his salary as governor from August, 1674, was £100 per annum. In March, 1677, in a settlement of his accounts, there remained due £415 9s. 7d., in payment of which the proprietors relinquished to him their plantation and debts in the colony. His fidelity however to the proprietors, notwithstanding their

vacillating and injudicious policy, did not make him overlook the interests of the people. During his first administration, on one occasion there were only two deputies in the province, and cases being before the grand council for decision, he voted that they should be decided by the members present, although his instructions strictly enjoined that three deputies should be present besides the governor. In another instance, in an action for debt, it was pleaded that the plaintiff had not "subscribed his religion" according to the Fundamental Constitutions. But the council voted unanimously that such a plea should be no bar to the recovery of the debt.

No governor ever enjoyed in the province so uninterrupted a popularity as Col. West, although he was the medium through which it was sought to impose several disagreeable measures upon the people. By their charter the proprietors had the right to establish the episcopal form of worship, with such toleration of dissenters as they should think proper. The Fundamental Constitutions being probably prepared in part by Shaftesbury, who had no predilection for any particular form of worship, and by Locke, whose opinions were most liberal in matters of religion, nothing was ordained in them in favor of episcopacy; but on the contrary, an unlimited freedom was prominently granted to all sects and religions. Besides the wisdom of this course, its policy was calculated to gain settlers from the dissenters, who at that period were the weak and oppressed party in England. Accordingly a large majority, perhaps three-fourths, of the original settlers were dissenters, and willingly

accepted the Fundamental Constitutions which were sent out with Governor Sayle, solemnly ratified by the signatures and seals of six of the lords proprietors, who were all that were then in England.* As the tenure of land and the naturalization of immigrants depended on their signing these constitutions, the people, to the number of several hundred, gave their oath to support them as the law under which they were to live. But seven of the eight proprietors were adherents of episcopacy; and it appears that after the colony was sent forth, they determined to introduce, among other alterations, the following clause into the constitutions:

“As the country comes to be sufficiently planted and distributed into fit divisions, it shall belong to the parliament to take care for the building of churches and the public maintenance of divines, to be employed in the exercise of religion according to the Church of England; which being the only true and orthodox, and the national religion of all the king’s dominion, is so also of Carolina; and therefore it alone shall be allowed to receive a public maintenance by grant of parliament.”

The constitutions so altered, and bearing date the 1st March, 1670, were printed, and declared to be the true and unalterable form of government. A copy was sent to the colonies at Albemarle and Ashley River, for the acceptance of the settlers. Col. West was acting as governor on the reception of this second set of the constitutions in February, 1673,

* See Appendix

and in obedience to his instructions presented them to the parliament; but all the people had been already for three years sworn to the first set, and the parliament refused to accept them in the place of those of the 21st July, 1669.*

It was a strange infatuation on the part of the proprietors to alter their original guarantees in a way that was sure to irritate the people, especially as they were well aware that the condition of the province would not yet admit of the establishment of either set of constitutions. At the same time, with a remarkable legislative activity, they sent out "temporary laws," and "agrarian laws," dated June 21st, 1672.

"Since the paucity of nobility," they said, "will not permit the Fundamental Constitutions presently to be put in practice, it is necessary for the supply of that defect that some *temporary laws* should in the mean time be made for the better ordering of affairs, till by a sufficient number of inhabitants of all degrees, the government of Carolina can be administered according to the form established in the Fundamental Constitutions. We the lords proprietors of Carolina upon due consideration have agreed to these following."

The first, second, and third articles repeat only what has been before mentioned of the palatine and other proprietors nominating their representatives or deputies; admitting the nobility as members of the grand council; appointing the chief officers in the

* Letter to Sothell, Appendix.

province ; and the powers of the council, the quorum of which should be the governor and six councilors "whereof three at least shall be deputies of proprietors." 4. In case of the death or departure of a deputy, his place should be supplied by the eldest of the councilors chosen by parliament until another deputy be appointed. 5. Parliament to consist of the governor, deputies, nobility, and twenty delegates of the freeholders, to be assembled, and to make laws agreeably to the provisions of the Fundamental Constitutions. 6. All acts of such parliament to cease at the end of the first parliament convened after the constitutions should be put in force. 7. As much of the constitutions as practicable to be the rule of proceeding.

The agrarian temporary laws, which are twenty-three in number, are concerned entirely with the interests of the proprietors and nobility, and the proportionate settlement of their landed estates. The preamble again announces the principle of the former laws in these words, "the whole foundation of the government is settled upon a right and equal distribution of land." One fifth of all the land is secured to the proprietors, one fifth to the nobility, and the rest to the people. Not because the people were eager to appropriate more than their share of the boundless forests at the outskirts of which they were toiling for subsistence, but that the proprietors and their constituted aristocracy might be sure of a permanent and preponderating power in the colonial administration.

In the preceding narrative of the acts and policy of

the proprietors, may be observed the seeds of opposition and party differences. While the lords of Carolina were legislating as for a populous empire, the people were so few that the names of all might be written upon a single page. But they knew that their liberties were secured by the charter which required their consent in the enactment of all laws and constitutions. To the plan of government devised by the proprietors they had at first assented, if not in assembly, at least individually, and were fully bound by its provisions. They murmured not at the appointment of landgraves and caciques ; they did not oppose the grant of large estates to these nobles, nor the right of demanding an annual quit-rent ; nor did they question the introducing into practice of as much of the Fundamental Constitutions as the circumstances of the colony admitted. But since the arrival of Sayle, vessel after vessel brought new instructions and laws, harsh complaints, and, finally, an arbitrary repudiation of the first constitutions ; and, step by step, the affections of the people were alienated and their confidence and fidelity destroyed. There was needed but an increase of population for forming two parties, the one, advocates of the Church of England and of the power of the proprietors ; the other, promoters of popular privileges and interests, and holding the charter to be a sufficient basis of government without the Fundamental Constitutions.

The first accession to the number of original settlers had come from Barbadoes and Cape Fear. Immigrants in small parties continued to arrive from

England. James Town was peopled with the Dutch colony from Nova Belgia, or New York ; they, however, soon wisely abandoned their town and settled among the other inhabitants. The proprietors were not remiss in efforts to augment the population of Carolina. In 1672, liberal concessions were offered to freemen and servants from Ireland, who would settle in the province, and particularly if they would go in sufficient numbers to make up a community, and form a town by themselves, "wherein they may have the free exercise of their religion according to their own discipline." In June, 1676, a whole colony of 12,000 acres was promised to Mr. John Berkly, Simon Perkins, Anthony Laine, and John Pettitt, upon their landing in Carolina.

In 1674, a part of the proprietors formed a plan of settling a plantation at their private expense on the "Edisto or Ashipoo" River, or on "Loch Island," as they also called the place. Andrew Percival was appointed governor of it, and received the necessary instructions for his conduct in office, and Gov. West was told to give him every assistance, and to affix the seal of the province to such grants of land as he should make. The scheme did not succeed, no doubt from the fact that the settlement on Loch Island would have been too weak an interposition between the unfriendly tribes of Westoes and Cussatoes and the colonists on Ashley River, who, though in a securer position, were not altogether safe from their attacks. This design was abandoned, and Percival appointed, in June, 1675, "Register of Berkley County, and the parts adjoining." The plan, it

is probable, originated with the Earl of Shaftesbury, who soon after at his own expense engaged Dr. Henry Woodward to enter upon the discovery of the country of the Westoes and Cussatoes. One result of this visit was a treaty of peace and friendship between these nations and the English in Carolina. A comparison also of the strength and resources of these Indians and the still feeble colonists, induced the proprietors, (as they said,) to shield the latter by restricting their intercourse with the tribes westward of Charles Town. Too much already had the safety of the settlers been hazarded by separating their dwelling places, and, as it were, inviting an assault by an exposure of their weakness.

But the restraints now put upon the Indian trade were not free from selfish motives on the part of the proprietors. They knew that furs and deer skins, obtained in traffic for trifling articles, formed the principal source of wealth to the industrious traders, among whom were the chief men of the colony. If frauds and abuses occurred, a prevention of them would not surely follow the restricting of the trade to proprietary agents. In April, 1677, Albemarle, Shaftesbury, Craven, Clarendon, and Colleton, agreed to contribute each £100, to be placed in the hands of Mr. William Saxby, their secretary and treasurer, for carrying on the trade, allowing one fifth of the "clear profit" to Dr. Woodward, according to a previous contract between him and the Earl of Shaftesbury. At the same time they issued an "order and command" to the "governor, council, and other inhabitants of our province of Carolina," forbidding

any of them, under pain of prosecution and severe punishment, to trade, during seven years, with the Westoes, Cussatoes, or other Indians living beyond Port Royal; but leaving open to the settlers the trade for a considerable distance on the sea-coast, "and any other way not less than one hundred miles from their plantation, which is all they can pretend or expect from us," continue their lordships, "it being in justice and reason fit, that we should not be interrupted by them in our treaties and transactions with those nations that inhabit these distant countries, with whom, by our grant and charter from his majesty, we only have authority to treat or intermeddle." The proprietors had perhaps forgotten that in their Fundamental Constitutions they committed to the grand council the power "to make peace and war, leagues, treaties, &c., with any of the neighbor Indians," without defining what should constitute neighborhood; and had frequently commanded, in subsequent temporary modes of government, that they should be careful to put in execution as much of these constitutions as they could. The council had already declared war, made peace, and entered into treaties with the Indians; and it would not be surprising had they disregarded the ruinous policy of lodging these important functions with a set of noblemen on the other side of the Atlantic ocean, while their own families lived exposed to the tomahawk and scalping knife. We shall soon perceive how much dissatisfaction and contention were occasioned in the settlement by this trading scheme of the proprietors.

The influence of the Earl of Shaftesbury in the

affairs of the province was never marked by more wisdom than in purchasing from the Indians a transfer of their lands. A measure so simple and equitable, if adopted earlier or more extensively pursued, would have allayed the hostility of the irritable and warlike natives, and secured the peace and prosperity of the settlers. But it had been made illegal for any individual to purchase land from the Indians. The proprietors claimed to be the sole owners of every acre of Carolina by the king's grant, and they expected their colonies to be established by driving the Indians away from the homes and the graves of their ancestors. They were to be dealt with as savages deserved, if they resisted the claims conferred by his sacred majesty King Charles II. of England.

The first deed of transfer on record was made in March, 1675, by Andrew Percival, for the Earl of Shaftesbury and the rest of the lords proprietors, "for and in consideration of a valuable parcel of cloth, hatchets, beads, and other goods and manufactures." The territory ceded was that of "Great and Lesser Casor, lying on the river Kyewaw, the river of Stono, and the fresher of the river of Edisto." Perhaps to strengthen the deed of conveyance, the signatures were taken of an odd assemblage of the Indians, there being the marks and *seals* of four caciques, the marks of eleven war-captains, and of fourteen "women captains!" In 1682 and subsequently, lands were ceded by the caciques of Wimbee, Stono, Combahee, Kussah, Edisto, Ashepoo, Witcheaw, and by the queen and captains of St. Helena; who generally surrendered (to please the English) their

lands in a north-westward direction as far as the "Apalatchean mountains," although they had no claim to any great distance from the sea-coast. All the north-west portion of the province was possessed by the populous and powerful Cherokees.

We have noticed the hostility of the Kussoes in 1671, and the successful invasion of their towns. In July, 1672, the Westoes also exhibited a warlike disposition, and were said to be lurking to the southward of Charles Town with the design of marching against it. At a meeting of the grand council it was promptly resolved to dispatch a party of thirty men against them. This force was extremely inadequate for such a service, as the Westoes were the most powerful tribe between Charles Town and the Savannah, or Isundiga River.* No battle was fought. The Westoes were no doubt unwilling to risk an engagement while the intervening small tribes continued friendly to the English. For several years they threatened the colony; and notwithstanding the treaty effected by the proprietors in 1677, they were still inimical and ready for strife. At the close of 1678 it was necessary for the council to order that none of the friendly Indians should guide them to the settlement, and that their approaching the English habitations would be at their peril. Their restless nature brought them in conflict with other Indians; and though Governor West concluded a treaty with them, by which they agreed not to mo-

* The Georgia Indians called this river by other names (Hawkins). See Hist. Coll. Georg. Vol. iii., p. 16.

lest the feeble tribes in the vicinity of the settlement, they violated this as they had done the former treaty, and captured and sold to the planters as many of their neighbors as they could. The grand council in June, 1680, sent Capt. William Fuller and Mr. John Smith to visit the different plantations, and bring all such captive slaves to the Ashley to be set at liberty, in accordance with the previous instructions of the proprietors, and their own honor as protectors of the friendly tribes. The Westoes at length, after a bloody war with the Sarannas, or Yamassee, who lived on the Savannah River, were vanquished and driven from their territory. "The hand of God," says Governor Archdale, who could not see the future, "was eminently seen in thinning the Indians to make room for the English."

Little credit is to be given to the assertion, that the colonists began about this time to instigate the tribes against each other for the purpose of trafficking in their captives. A sufficient answer to the charge is found in the prevailing customs of the Indians, exhibited in a preceding chapter; in the treaties which were made; in the fact that peace throughout the province was advantageous to the planters, and in tracing the origin of hostilities in almost every instance to the intrigues of Spanish settlers to the south-west of Carolina. That especial care should be taken to do justice to the Indians, a distinct jurisdiction for that purpose was established, which all were required to obey. Commissioners, among whom was Colonel West, were named by the proprietors in 1680, and were empowered to settle all

differences between the English and Indians, the making of treaties only being reserved to the grand council.

On the 13th January, 1672, Capt. Godfrey, Capt. Gray, and Maurice Matthews were appointed by the council to examine the banks of the Cooper (Wando) River, and mark such places as might be suitable for towns, and all persons were forbidden to settle on such spots. The tongue of land called Oyster Point, which stretched between the Ashley and Cooper, had been taken up by John Coming and Henry Hughes. It is probable that the committee reported in favor of this situation; for on the 21st of the following month, Mr. Hughes appeared before council and voluntarily surrendered "one half of his land near a place upon Ashley River, known by the name of the Oyster Point, to be employed in and toward enlarging of a town and common of pasture there intended to be erected. Mr. John Coming and Affera his wife came likewise before the grand council, and freely gave up one half of their land near the said place for the use aforesaid."

This place, like others in the neighborhood, was designed, no doubt, for the settlement of newcomers. The removal of Charles Town was not yet contemplated; for the settlers there were engaged in building a fort, which was finished in May, 1672; and in June an act was proposed for the uniform building of their town. In accordance with this act, it was regularly laid out and divided into sixty-two lots. Those who owned town lots gave them up, and a redistribution was made to the inhabitants.

Additional works of defense were afterward erected in 1674. At the same time that the new distribution of lots was made in Charles Town (July, 1672), Gov. Yeaman had issued, with the consent of council, his warrant to John Culpepper, surveyor-general, to mark off the contemplated town at Oyster Point, which was done on the spot now embraced between Broad and Water streets, and limited by Meeting street on the west. It was called Oyster Point Town. Several streets were marked running east and west, intersected by others from north to south; and rules were established for building the town. The lots were slowly taken up, as emigrants preferred the more populous situation on the western bank of the Ashley.

The proprietors encouraged the settling at some distance from the coast, and it was their design to build their chief town on some highland on the Ashley or Cooper, if such could be found, free from the sickliness of the coast and the sudden inroads of an enemy's ships. But the explorations of Capt. Halsted, and the search of the committees of the grand council, failed to find a more eligible situation than Oyster Point, to which the settlers at Charles Town began generally to remove in 1679. Others had fixed their abode there as early as 1672. The invasions of the Spaniards and Indians, which continued to be threatened, rendered the position of Charles Town on the west of the Ashley more insecure than Oyster Point, while for purposes of commerce the latter was much more commodious, and as a place of residence more healthy.

Such representations were made to the lords proprietors as caused them to write, to Gov. West and the council, on 17th December, 1679, "we are informed that the Oyster Point is not only a more convenient place to build a town on than that formerly pitched on by the first settlers, but that people's inclinations tend thither; we let you know the Oyster Point is the place we do appoint for the port town, of which you are to take notice, and call it Charles Town." And it was ordered at the same time that the public offices should be removed thither, and the grand council summoned to meet there. In the spring* of 1680 the removal was made, and during the same year thirty houses were erected. It was called for a while by some persons New Charles Town, to distinguish it from the old town, which now began to be abandoned; but from 1682 it was known for a period of one hundred years simply as "Charles Town."

"The town is regularly laid out," says a writer at this time, "into large and capacious streets, which to buildings is a great ornament and beauty. In it they have reserved convenient places for building of a church, town-house and other public structures, an artillery ground for the exercise of their militia,

* I say in the spring, because at a council-meeting at "Charles Town," June 1, 1680, it was ordered that all the Indians purchased as slaves from the Westoes and their confederates, should be brought before the council "at Kiawah, sometimes called Charles Town," and be there set at liberty. The Kiawah being the name of the Ashley, I understand the place here spoken of to be old Charles Town—and that consequently the meeting of June 1st was held at "Charles Town" on Oyster Point. The number of houses built during the year is also an evidence of the early removal.

and wharves for the convenience of their trade and shipping."

The situation reserved for a church was that now occupied by St. Michael's. The building first erected there (St. Philip's) was of cypress on a brick foundation, and was generally called the English church. It was probably begun about 1682, during the administration of Gov. West, who was distinguished for piety as well as justice, valor, and moderation. As early as 1671, he had endeavored to restrain the licentiousness naturally arising among a new people, composed in great part of adventurers, and living without the influence of the public ordinances of religion. In the last parliament convened in his long term of office (May, 1682), acts were passed for the observance of the Lord's day, and for the suppression of idleness, drunkenness and profanity. Besides these efforts for promoting the morality of the people, the close of his administration was marked by the wisdom of laws for settling the militia of the province, and for making high roads from the new town at Oyster Point through the forests that stretched into the interior.

Some of the political measures which now engaged the public attention, had arisen within the colony and from the peculiar circumstances of the times. Others had originated with the proprietors in England, who from remoteness, insufficient acquaintance with the necessities of the colonists, and the defective organization of themselves as a governing power—often opposed the wishes and interests of the people, and stubbornly insisted on the carrying out of their own unwise instructions. We shall see that

their arbitrary control was checked through the democratic branch of parliament, and by the failure of their scheme of governing by deputies and a provincial nobility. But at this period the ability and well-deserved popularity of the governor himself formed an obstacle to any encroachment through him and his council upon the rights and advancement of the people. And yet no one else seemed so able to harmonize the discordant elements gathered around him. The dissenters, or advocates of the popular interests (for religious differences did not yet peculiarly distinguish the parties), had been gradually losing ground, as every arrival from England augmented the number of cavaliers, high churchmen, or adherents of the proprietary party.* The adoption of the Fundamental Constitutions was again to be pressed upon the parliament, and the election of representatives altered by the establishment of counties and the separation of the polls.

Governor West had long held the most influential position in the colony, and his removal may have been simply to reward the adherence of Landgrave Joseph Morton, through whose encouragement, in connection with Landgrave Axtell, more than five hundred persons had arrived in Carolina in less than one month.* But the cause generally assigned for the removal of Governor West, is the displeasure of the proprietors at the selling of Indian slaves purchased by the planters from neighboring tribes.† No

* Archd. pp. 100 and 112, MSS.

† See Letter to Percival—Appendix. ‡ Oldmixon, p. 407.

objection was made to keeping them as slaves in the province. It was not slavery in any shape that was displeasing to the proprietors. Their own Fundamental Constitutions embraced a provision for the introduction of slavery, with unlimited power in the matter, before the first settlement of South Carolina. It was their favorite, Sir John Yeamans, who first brought hither African slaves, and English vessels long continued to offer them for sale to the American colonies. No cargo of them was sold in Carolina the money for which did not fill the pockets of the British or New England adventurers. It was the proprietors themselves who at first "gave the privilege" (to use their own language) of selling Indian captives from Carolina to the West India Islands, as the cheapest means of "encouraging the soldiers" of their infant colony. But it was also their early policy to bring the Indian nations within their jurisdiction; and especially after taking the trade into their own hands, their interests being more blended with the peace and friendship of the natives, they undertook to protect them to a certain extent, and in 1683 sent out instructions which forbade their transportation without a license from the parliament. If this be not the true exposition of their motives, it will be much more difficult to reconcile their policy with any principle of benevolence while they continued to encourage the indiscriminate expatriation of men, women, and children from the coast of Africa, and disseminated the promise that "every freeman of Carolina shall have absolute power and authority over his negro slaves." If Governor West had endeavored

under these circumstances to oppose the sending away from the feeble colony troublesome and dangerous slaves, there were so many of the principal citizens and deputies engaged in the practice and irritated by the attempted monopoly of the Indian trade, that his opposition would have been as ill-timed as were the inconsistent efforts of the proprietors after his removal from office.

CHAPTER VI.

Establishment of Counties and separation of Polls—Opposition to the Plans of the Proprietors—A Governor from abroad appointed—Sir Richard Kyrle dies—Quarry acts as Governor—Abuses his Position—Joseph West again Governor—Political state of the Colony—Obstinacy of Proprietors—West's services to the Colony—Morton again Governor—Fundamental Constitutions ordered to be subscribed by members of Assembly—Refusal and ejectment of majority of the Members—Lord Cardross and his settlement at Port Royal—Expedition against St. Augustine—Stopped by arrival of Colleton as Governor—Disappointment of the people—Pirates—The extent of indulgence shown them by the Colonists—Opposition to the Navigation Acts—Proprietors in danger of losing their Charter—Disposition of the people for a Royal Government—Increased opposition to the Proprietors—Governor Colleton—Disagreements with the people—Proclaims martial law—Arrival of Seth Sothell—Favored by the people—His action against Colleton and his party—Proprietors recall Sothell—Colonel Philip Ludwell appointed Governor—Grievances of the people unredressed—Private Instructions to Ludwell—Opposition of Assembly to plans of Proprietors—Dispute on Indemnity Act—Committees on grievances and framing a plan of Government—Proprietors become conciliatory—Their concessions—Fundamental Constitutions laid aside—Condition of the colonists unaltered.

At the close of Governor West's administration the colony was in a very flourishing condition. Emigrants of worth and ability were constantly arriving, on whom grants of land were lavishly bestowed. One of the first measures required of Governor Morton was the division of the inhabited portion of the province into three counties: * Berkley, embracing Charles Town, extended from Sewee on the north to Stono Creek on the south; beyond this to the northward was Craven county, and to the southward Colleton

* Order of Proprietors, May 10, 1682.

county, all extending within the land to a distance of thirty-five miles from the sea-coast.* A county court was also directed to be established at Charles Town, for all the inhabitants. Craven county was sparsely settled, and claims little attention until the Huguenots occupied the banks of the Santee; so that politically there were but two counties at this period.

The proprietors desired that Berkley and Colleton should be equally represented by the election from each of ten members of the biennial parliament,† and that the election should be on the same day, respectively at Charles Town and at London (now Wiltown) in Colleton. The qualifications of a member required that he should possess a freehold of five hundred acres in his county. The inconvenience which the people had experienced in attending the same poll is strikingly illustrated by the practice alluded to in a letter of the proprietors in 1683. "We are informed," they said, "that there are many undue practices in the choice of members of parliament, and that men are admitted to bring papers for others and put in their votes for them, which is utterly illegal and contrary to the custom of parliaments, and will in time, if suffered, be very mischievous. You are therefore to take care that such practices be not suffered for the future; but every man must deliver his own vote, and no man suffered to bring the vote of another; and if the sheriffs of the counties shall presume to disobey herein, you are to commissionate other sheriffs in their room."‡ The establishment of

* 1682, and Instructions to Ludwell, 1691.

† MSS. 18th Nov. 1683.

‡ See Appendix.

counties and separate polls was so advantageous to the people, that we might regard them as intractable and factious in resisting the orders of the proprietors, unless we consider that an equal number of members was indiscreetly given to each county without regard to any principle of representation. There were at the highest estimate about two thousand inhabitants in the colony,* a majority of whom belonged to Berkley county, which alone had a sufficient population to entitle it to a county court. The twenty members of the lower branch of parliament had been always chosen at Charles Town; and consequently in the election for September, 1683, the orders of the proprietors were disregarded, and the members chosen as usual.† The parliament so chosen was ordered to be immediately dissolved. But if these instructions arrived in time, they were equally disregarded, and their lordships were left to complain and reiterate their commands.‡

Among the numerous acts passed by this parliament, was one for protecting the colonists against prosecution for debts contracted out of the colony. This the proprietors viewed with abhorrence, as stopping the course of justice, as against the king's honor, and repugnant to the laws of England. Astonished that their deputies should assent to such a law, they ordered "that all officers should be displaced who had promoted it," although they had themselves sanc-

* In 1682, "T. A.," clerk of the *Richmond*, (which arrived in Carolina in 1680,) says, the population amounted to 1000 or 1200, and was more than doubled by the arrival of emigrants during the two following years.

† MS., 1683, Poll. Ann., 317.

‡ MS. Notes.

tioned a similar law in 1670, when they were anxious to encourage immigration. The governor and council were further blamed for slighting their instructions concerning the election. A dissolution of the parliament, they repeated, should be proclaimed; and no other elected unless in compliance with their orders. Charles Town, they said, was unhealthy; and it was unjust that the inhabitants of Colleton should have no representatives, or by a combination be compelled to attend the polls at Charles Town. We have power, by our charter, to call assemblies of the freeholders; our Fundamental Constitutions appoint how this should be done; and our orders are in place of the constitutions until they can be put in practice. We have given the power of magistracy into the hands of our governor and council "for the good of the people, who should not be turned into prey, as we doubt hath been too much practiced." But this haughty strain did not quell the spirit of opposition; and their lordships further showed how little they understood those under their magistracy, when, vexed at their failure, they wrote to Gov. Morton, in the following March, "Are you to govern the people, or the people you?"

Unfortunately for the plans of the proprietors, their governors and deputies were for the most part necessarily selected from the colonists themselves, and their dispositions and principles they could not be sure were in accordance with their own. Did they instruct Morton to remove all officers who sold or encouraged the selling of Indian slaves? The

* In Albemarle, Pol. Ann. 292.

governor himself was not free from blame. Their own deputies fell under the blow, as well as the commoners of the grand council; and these the people thought fit to elect again. Did they inveigh against any indulgence to the English pirates who visited the coast? The people were not disposed to hang them while their monarch encouraged with unusual honors the chief captain of the band. Did the proprietors demand their quit-rents in money? The people said there was no mint in Carolina, and coin was scarce. Did they refer to the powers granted by the charter? The people were willing to be governed by the charter, which made their concurrence necessary for the adoption of a plan of government.

Thinking that a governor from abroad would be more devoted to their interests,* Sir Richard Kyrle, of Ireland, was appointed to succeed Morton in April, 1684. The proprietors expressed to him their hope, from his abilities and activity, that the affairs of Carolina would be in a better condition than before; they pointed out the evils they wished him to remedy; cautioned him against the Spaniards, who had never been good neighbors, and advised him to put the province in a state of defense.† In the summer after his arrival the governor died, and the council again turned to Joseph West, who wrote to the proprietors in October that he had been chosen in place of Kyrle, and received in answer their congratulations upon his election and another commission from themselves. It appears that when Kyrle died, West was not in the pro-

* Archd. Preface. Proprietors to Kyrle, April 29, 1684

† MSS. Appendix.

vince, as he had often before had occasion to be absent. Col. Robert Quarry acted as governor for a few months.* He never received a commission from the proprietors, and his brief service was marked by such indiscretion in favoring the pirates, as caused his being subsequently deprived of the office of secretary of the province.

When West succeeded in September, 1684, two years had elapsed since he had resigned the office to Morton. The difficulties of political affairs had greatly increased. The choice of members of parliament, as directed by the proprietors, was still warmly opposed by the inhabitants of Berkley county, whose able leaders, Maurice Matthews, James Moore, and Arthur Middleton was displaced from council for sending away Indian slaves. But if in any measure the proprietors had clear justice on their side, it was in disposing of their lands in the province as it suited themselves, provided they did not disturb the rights already granted. In the first Fundamental Constitutions and agrarian laws they had declared that lands should be held for the rent of a penny an acre, "or the value thereof," which was a principal inducement for many persons to emigrate to Carolina. But now it was declared, that lands should be held only by indentures in which the words "or the value thereof" were stricken out, and a reservation added of re-entry on failure of paying the quit-rent. This unfortunately operated to the injury of many who had settled at an early period, and who

* Lett. of Cardross, July 17, 1684. Proprietors to Sothell, May 13, 1691—Appendix.

from poverty or other circumstances had not taken out an official conveyance of the lands to which they were entitled. To the opposition excited against this measure, and the reasonable request that, as money was scarce, the rents might be paid in merchantable produce of the land, the lords proprietors only replied : "We insist to sell our lands our own way."^{*} Above all, on the 12th of March, they wrote to Gov. West certain instructions, containing thirty-eight articles, which repealed all former instructions and temporary laws, and ordered the third Fundamental Constitutions (of January, 1682) to be subscribed and put in practice. The members of the grand council, who represented the people, filed a protest against these instructions, which sought with so decisive a step to change the government of the colony.

Had there been room for compromise, and West had been permitted to settle the disputes by his own moderation and wisdom, he would not have been found disheartened and preparing to leave the province. The last act to which he affixed his signature, was designed to improve the health of the city he had founded, and to provide for the security of its citizens during their nightly repose.[†]

Joseph West began his services to the colony in London on the 1st of August, 1669.[‡] He continued them as commander of the fleet that bore the emigrants and Gov. Sayle in safety to Carolina, on the 17th March, 1670. As keeper of the public stores he distributed food and clothing to the needy during

* MSS. Appendix.

† 7 Stat. 2.

‡ MSS. Appendix.

the first years of the settlement. As the commercial and agricultural agent of the proprietors, he was rewarded by their relinquishing to him the property he held in charge. As register of the colony, as temporary governor by the people's choice on several occasions, and finally as landgrave and three times governor by commission, he won the strong attachment of the colonists and the confidence and respect of the proprietors. In a government carefully planned to be an aristocracy, and under the fostering direction of distinguished nobility in England, he, a plebeian, faithful, wise, and modest, became, for fifteen years, the guiding spirit of all that was good and successful.*

On the retirement of West, the council chose Morton governor, and the proprietors sent him a commission in September, 1685. The parliament convened in November consisted of eight deputies of the lords proprietors and twenty commoners, of whom one was absent. Gov. Morton, in obedience to the instructions previously sent, called on all the members to subscribe the Fundamental Constitutions of 1682. Twelve of the nineteen representatives refused to do so, because they had already subscribed those of July, 1669. Whereupon the governor ordered them to quit the house; it availed nothing that they protested against the tyranny of their

* I have not been able to discover anything relating to the life of Col. West, after his retirement from office. His leaving the province is stated on authority of a brief notice in some MS. notes from papers in London. His plantation on Ashley River is mentioned in Oldmixon 452; 2d Carr. Coll. If he returned to live in Carolina, his name is found no longer in connection with public affairs.

ejection; and the remaining seven, together with the eight deputies, enacted all the laws passed at that session of parliament.

In the summer of 1682, the lords proprietors had entered into an agreement with Lord Cardross, and other Scotch gentlemen, (who proposed to send ten thousand emigrants,) to grant them a large tract of land in Carolina.* For their sakes an alteration was made in the Fundamental Constitutions, because they thought it would not sufficiently secure them against oppression. The chosen place of settlement was again the favorite but unlucky situation of Port Royal. Like the French Protestants, they were led hither by the desire to escape tyranny and religious intolerance at home. Here Lord Cardross arrived in 1683, and founded Stuart's Town. He was accompanied by about ten families, among whose names were those of Hamilton, Montgomerie, and Dunlop.

The settlers at Ashley River received the Scotch with but little favor at their arrival, on account of their connection with the Fundamental Constitutions, against the adoption of which a large portion of the people were then strongly opposed. Jealousies also soon arose with regard to the political powers of the new settlement. Cardross claimed, from his agreement with the proprietors, co-ordinate authority with the governor and grand council at Charles Town, which occasioned the most arbitrary proceedings against him. Overcome by the heat of midsummer and prostrate with sickness, he was summoned to appear before the grand council for usurpation of

* MS. Letter to Percival, Oct. 18, 1690—Appendix.

power in the province. Other difficulties equally disheartening disturbed the little colony at Port Royal, and brought most vividly to their recollection the fate of Ribault and his followers. Wina and Antonio, two noted Indians, were busy in fomenting hostilities among the tribes in the vicinity, and against the settlers of Stuart's Town. The Spaniards at St. Augustine, for whom some of these Indians were spies, were preparing to dispute the possession of the land. Five pieces of cannon, lying unmounted at old Charles Town, the proprietors ordered to be given to Lord Cardross for the defense of Port Royal. It appears, however, that being disappointed in his plan of settling in Carolina, and disgusted with his arrest and ill usage by the colonists at Charles Town, he returned to Scotland, and took an active part in the political revolution which was then at hand.

Shortly after, the Spaniards, in 1686, while peace still subsisted between England and Spain, came suddenly with three galleys, and landed at Edisto. Their force included negroes and Indians. They broke open the houses of Gov. Morton, and Mr. Grimbald, secretary of the province, who were at Charles Town, and pillaged them to the value of three thousand pounds sterling, carrying off the money, plate, and thirteen slaves of the governor, and murdering his brother-in-law. They than attacked the Scotch settlers at Port Royal, who had but twenty-five men in health to oppose the invaders. The Spaniards killed some and whipped others, whom they took captive, in a barbarous manner, and plundered and utterly destroyed the settlement.

The few who remained from this unfortunate band found refuge in Charles Town. Their brief history is such as might have been foreseen from the injudicious policy of the proprietors in their agreement with the Scotch noblemen. As a distinct colony it was too weak to occupy a disputed territory; and for separate political interests it was too near the colonists at Ashley River, who were just struggling, after many hardships, and still against much opposition, into a consistent form of government, with its requisite legislative and judicial branches.

Party strife was forgotten in the excitement occasioned by this incursion of the Spaniards. Gov. Morton summoned the parliament in Oct. 1686, and an act was passed for raising a force for the immediate invasion of the Spanish territory. An assessment of £500 was made,* and all the powers of the grand council vested for the time in the governor, and any four of the councilors. Two vessels were fitted out and four hundred men well armed were ready to sail for the conquest of St. Augustine.† This armament was suddenly stopped by the arrival from Barbadoes of James Colleton, brother of the proprietor, and who had in August been created a landgrave and governor of Carolina.‡ He threatened to hang the colonists if they persisted in their project, and they reluctantly returned on shore. While all were burning with indignation at so unexpected and unworthy a termination of their efforts, the lords proprietors wrote to Colleton, "We are glad that you have stopped the

* 2 Stat. 15.

† Letter to Randolph, Appendix.

‡ Letter to Sothell. Commission dated Aug. 1686.

expedition against St. Augustine. If it had proceeded, Mr. Morton, Col. Godfrey and others might have answered it with their lives.”*

The colonists believed that the charter justified the course they had taken. The proprietors more truly maintained that it allowed “only a pursuit in heat of victory, but not a deliberate making war on the King of Spain’s subjects, within his own territories; nor do we claim any such power. No man, however, can think that the dependencies of England can have power to make war upon the king’s allies, without his knowledge or consent.”† They did not reflect that they were themselves to blame for the attack on the Scotch settlement, but remonstrated that the colonists must have foreseen that retaliation would have been made for the encouragement given to the pirates who plundered the Spaniards. They ordered “a civil letter” to be addressed to the governor of St. Augustine, inquiring by what authority he acted. This course failed to obtain redress. How bitterly the colonists regarded their discomfiture may be judged from their subsequent complaint of Colleton that he “did, contrary to the honor of the English nation, pass by all the bloody insolencies the Spaniards had committed against this colony,” and entered into a contract of trade with them, “for the hopes of a little filthy lucre,” burying in silence their atrocities upon “Englishmen who wanted not courage to do themselves honorable satisfaction.”‡

At the period of the settlement of Carolina, the

* Proprietors to Colleton, Oct. 1687.

† Pol. Ann. p. 320.

‡ Letter to Sothell, Appendix.

hostility of the French and English against the Spaniards had engendered a degree of private animosity that might well be compared to the inimical disposition then existing between Catholics and Protestants. Among the buccaneers of Tortuga were men accustomed to the perils of war, who, scorning the epithet of pirate, turned from the capture of Spanish galleons to the sack and pillage of fortified cities. The booty of a single marauding expedition was estimated at millions of dollars. The greater the magnitude of a crime, or the more it is characterized by boldness and power, the less do men seem to despise and condemn it. The last eminent leader of the buccaneers was Henry Morgan, a Welshman, whose piratical fleet included several vessels from New England. For his daring exploits in the Spanish dominions in America, he received the honors of knighthood from Charles II. of England, and was appointed governor of Jamaica.

In 1684, during the war between France and Spain, privateers were fitted out in Carolina without hindrance. The pirates who at the same time frequented the coast, spent their money with a lavish hand ; and were not unwelcomed in the province, at least by those who were benefited by supplying their necessities, and who, like their king, looked with leniency upon bold misdeeds directed against the commerce and towns of the Spaniards, who in the colony were especially regarded as enemies. Col. Quarry, who acted as governor on the death of Sir Richard Kyrle, was accused of admitting pirates to Charles Town, and of receiving money from them. A few years

later, Gov. Morton permitted two pirates to bring into the harbor their Spanish prizes, and allowed Morgan to come into town by consent of the grand council.

Charles II., however, being anxious to preserve a neutrality with the belligerent powers, caused an order to be sent to Carolina forbidding the fitting out of privateers; and in the following year, as soon as James II. ascended the throne, he directed an act to be passed in the province for the suppression and punishing of pirates.* Yet it was not an easy task to check the evil suddenly by an enactment. In 1687 Sir Robert Holmes was dispatched by the king to the West Indies, with a commission for destroying the pirates; and the governor and council at Charles Town were strictly enjoined to afford every assistance to his fleet. The former act was revived in the province;† and the disgraceful favor for a while shown to the pirates now effectually ceased; and arrest and execution awaited them throughout the borders of Carolina.

The colonists were now convinced that, under the charter, they were restricted, in case of invasion, to self-defense, notwithstanding their far spreading and unprotected frontier. They were, however, again at fault in interpreting their charter privileges as exempting them from the restraints imposed on commerce by the famous navigation acts of the British parliament. No merchandise could be imported into the colonies, under penalty of forfeiture, except in

* 2 Stat. p. 7.

† 2 Stat. 25; Pol. Ann. 319.

English vessels navigated by Englishmen.* A similar penalty attached to the exporting of the principal articles of colonial produce to any other country than those under the English crown; and even the transportation of the enumerated commodities, sugar, tobacco, cotton, indigo, &c., could not be made from the southern to the northern colonies without the payment of heavy duties. To the mother country, or more properly to her merchants, was reserved the monopoly of all profits from the increasing commerce of America. In 1685, George Muschamp arrived at Charles Town as the first collector of the revenue; and the governor and council were instructed "not to fail to show their forwardness in assisting in the collection of the duty on tobacco transported to other colonies; in seizing ships that presumed to trade contrary to the acts of navigation."† The colonists, nevertheless, persisted in trading as they pleased; believing that their charter, having been granted subsequently to the passing of the navigation act, was of superior force. In this view they received no support from the proprietors, who, on the contrary, exerted themselves to suppress what they termed an "illicit traffic." Mr. Muschamp seized a vessel for violation of the laws, because manned by sailors three fourths of whom were Scotchmen. Irritated by the adverse decision of the court at Charles Town, and by the pretensions of the people,‡ he sent such complaints to the commissioners of the customs at home, that the matter was referred to the attorney-general;

* See Banc. U. S., 2, p. 42 et seq. † Pol. Ann. 322. ‡ Appendix.

and writs of two warrants issued against the Carolina charters. It had become the policy of James to revoke all proprietary grants, and bring the colonies possessing them more immediately under the royal government.

An opposition similarly excited in the New England colonies against collectors of the customs, gave occasion for suppressing their charters, and placing them under a single governor, Sir Edmund Andros. The high position of the lords proprietors would not, perhaps, have been then sufficient to protect their interests, had they not wisely offered to treat for a surrender of their privileges, and by gaining time, "eluded the force of a blast that had laid the charters and governments of New England in ruins."*

The course of events in England was rapidly tending to the great revolution of 1688, which drove James II. from the throne, and permanently secured the most cherished rights of the people. At the same time, the tyranny of Andros was producing throughout New England a powerful popular reaction in favor of their charter government. The English revolution was essentially a Protestant triumph; and the proprietary charter of Maryland having been granted to Catholics, was soon revoked without the necessary judicial forms, and a royal government instituted by King William. Pennsylvania and Delaware, Virginia, New York and New Jersey, as well as New England, were now governed under the king's commission. Yet the proprietors of Carolina continued an uninterrupted control over their vast pro-

* MSS. Appendix; Pol. Ann. 323.

vince, because enjoying "the hereditary right of complaining in person of their wrongs, they could interest a powerful body in their favor."*

Though the storm had spent its violence at a distance from the settlement here, still its influence was distinctly felt in the political agitations which increased from day to day. The proprietary government with all its temporary laws and Fundamental Constitutions, and its charter too, began to be weighed in the balance with the higher government on which the proprietors themselves depended—which could demand the money of the people as well as their obedience, and had fleets and armies to repel every foe. Henceforth the policy of the opposition party tended to a bolder and more definite development, and seemed to aim, as opportunity offered, at a government by the charter, and greater freedom in conducting the affairs of the province according to local circumstances; or else a change from the incomplete powers of the proprietors to a closer dependence on the crown.

Recurring to the period of Morton's administration, we find the commoners excluded from parliament returning to their homes, and spreading disaffection everywhere. The dissenters, who had left England in considerable numbers during the recent struggles of episcopacy and papacy had, at first, in changing from a worse to a better condition, naturally supported the submissive party in the colony. In particular, Joseph Blake, whose daughter Governor Morton had

* Revolt Am. Col. p. 264.

married, added his influence in checking and allaying the "extravagant spirit" of the discontented.* But the more extravagant spirit of the instructions sent to Carolina threw the majority of the people, however different their principles were on some matters, into the ranks of the opposition party.

The proprietors had hitherto been greatly disappointed in the conduct of their chief officers, who had generally opposed their views, or exerted themselves too feebly to promote them. But in Landgrave Colleton they reposed entire confidence, "expecting much from his talents, but more from his attachments."† He built himself a fine mansion at old Charles Town, received from the parliament an ampler support than had been enjoyed by former governors, was entitled by his nobility to 48,000 acres of land, and being secure of the goodwill of the proprietors through the influence of his brother, he no doubt looked forward to prosperity and happiness in the new home to which he brought his family.‡

The proprietors indeed had never been more faithfully represented. But the period had arrived to prove whether rigor or concession should be their true policy. They had refused to ratify the acts of the last parliament for the invasion of St. Augustine, yet they were anxious that the colonists should be prepared to defend themselves. Measures were adopted [Jan. 1687] for raising a store of powder by levying a duty of half a pound of it for every ton according to the registered tonnage of all vessels

* Archdale and Oldmixon.

† Pol. Ann. 323.

‡ Oldmixon and Hewit.

arriving in the province. Galleys were built, and beacons set up from the Edisto and Westoe Rivers round to Charles Town. The navigation acts were better enforced, and a check put, as previously mentioned, upon privateering and the visits to the coast of piratical crews.

There are no statutes on record of any parliament from July, 1687, to December, 1690. In this interval fierce contests distracted several parliaments that were held. It appears that in 1687 a committee, including the governor, were appointed to examine the Fundamental Constitutions, with the hope that such alterations might be made as to render them acceptable both to the proprietors and people.* "The work grew voluminous suddenly," and was afterward abandoned amidst angry dissensions, the people with impracticable pertinacity still recurring to the set sent out with Governor Sayle. At length Colleton, "in some passion," produced in parliament (14th February, 1688) a letter from the proprietors (dated March 3d, 1687),† in which they "utterly denied the Fundamental Constitutions of July, 1669, declaring them to be but a copy of an imperfect original." Since the delegates of the people had never assented to any set, as required by the charters, they "unanimously declared that the government is now to be directed and managed wholly and solely according to the said charters." The delegates took another step forward, and "denied that any bill must necessarily pass the grand council before it be read in par-

* Letter to Sothell—Appendix.

† See Appendix.

liament; and did proffer, for the maintenance of peace and justice, to assent to and approve of any law for that end, to be made according to the directions and commands in the said royal charters." During two sessions of parliament all legislative proceedings were defeated, even including the militia act which was necessary for the safety of the colony; for Governor Colleton and the deputies insisted on proceeding according to the Fundamental Constitutions, by having all bills first pass the grand council. Finally, in December, 1689, the proprietors instructed Colleton to call no more parliaments in Carolina without orders from them, "unless some very extraordinary occasion should require it."* As the acts were usually made for twenty-three months only, the consequence of these instructions was, that in 1690 not one statute law was in force in the colony!

It has been asserted, with somewhat of reproach, that the unruly representatives of the people had been purposely chosen to oppose the plans of the proprietors on account of the ejection from parliament of those who refused to sign the third set of the constitutions in December, 1685.† The people had surely a right so to do; nor could they, on the other hand, justly blame the governor for his stanch adherence to duty in obeying his instructions. But he requested from the proprietors as colleagues deputies who would faithfully aid him in carrying out their plans; and at the same time excluded from the grand council, on frivolous charges, some of the commoners,

* Proprietors to Sothell, May 12, 1691

† Oldmixon; Pol. Ann.; Archdale.

which threw all the powers of this important branch of the government into the hands of the proprietary party. While he forbade all inland trade with the Indians, he endeavored in his avarice to monopolize its profits for himself. He imprisoned a clergyman and fined him £100 for preaching what he considered a seditious sermon. He attempted, moreover, rigorously to exact payment of quit-rents in money, which the people felt it oppressive to pay even in produce, since they paid for every acre of their lands, while but a small portion was under cultivation. The penalty of re-entry to those who held lands by indenture added to their dissatisfaction the fear of losing their grants.

The governor perplexed by the difficulties surrounding him, and left, in a measure, alone by the proprietors, was willing to adopt any means to preserve his power in the colony. A number of persons under various pretenses were induced to sign a petition for the establishment of martial law, although no enemy from any quarter threatened an attack, nor were the colonists in any degree rebellious or tumultuous. Accordingly, without consulting the commoners of the grand council, by authority of the palatine's court, in other words by the will of the governor and deputies, a proclamation of martial law was made by Colleton (18th March, 1690) at the head of the militia companies, who were not aware of his designs. The commoners immediately prepared a protest against this unnecessary usurpation of dictatorial power; but their protest was not permitted to be received either by the deputies in council or by the secretary of the

province. Even signers of the petition, declaring that they had been deceived, now joined in the general outcry against such an "illegal, tyrannical, and oppressive way of government." Colleton evidently shrank from the full exercise of the power he had assumed ; the court of common law was allowed to hold its sessions, and martial discipline was not rigorously enforced. He exonerated himself on the ground that the delegates had refused to pass the militia act—that he feared an invasion of the Spaniards. The latter excuse was known to be unfounded ; to the former, thirteen of the delegates replied under oath that they had proposed to pass such an act. Indeed, as the people themselves constituted the only military force in the colony, the governor discovered that in proclaiming martial law he had "reckoned without his host," whose discontent and desperation were verging upon tumult and violence, when fortunately Seth Sothell arrived in Charles Town ; who being a proprietor by the purchase of Clarendon's share, had the right to supersede Colleton, according to the Fundamental Constitutions. He was received with marked insult by the governor's party, but welcomed by the people as the advocate and protector of their interests. Berrisford, Harris, Muschamp, Percival, and Izard addressed him in their behalf ; and about five hundred "of the best people" petitioned him to issue writs for a parliament. He appointed deputies to suit himself in violation of the commissions of the other proprietors, and apparently yielding to the popular impulse (which he had himself encouraged), he summoned a new parliament, who banished Colle-

ton from the province, and disqualified Lieut.-col. Bull, Major Colleton, and Paul Grimbald for holding any civil or military office, because they had acted with the governor; and Thomas Smith, because he had written the petition for the establishment of martial law.* Although the proprietors had recently been busy in excluding James II. from the throne, they could not brook the imitation of their example, and annulled all the proceedings of Sothell's parliament, which they considered to have been illegally convened. They, however, ordered inquiries to be made concerning their late governor's imprudent conduct. They had reason indeed to apply themselves now more attentively to the affairs of their province—for the opposition party had already taken another step forward, declaring : “ As to instructions, we own the lords proprietors have the power of sending such as they please; but cannot believe that their lordships did ever intend, *prima facie*, and without the assent and approbation of the people, they are to be received and put in practice as statute laws, except in such matters as wholly belong to their lordships' order and direction according to the royal charter.”

Sothell had been sent in 1680 to regulate the distracted affairs of North Carolina. He was captured on the voyage by Algerine pirates, and three years elapsed before he reached America. His principal aim being to enrich himself, his administration at Albemarle was so marked by selfishness and rapacity

* 2 Stat. 44 and 49.

that he was finally deposed and banished for twelve months. He sought refuge in South Carolina, where his actions seemed to the proprietors but an aggravation of the numerous charges made against him by those he formerly governed.* Yet the wisdom and liberality of the laws he enacted, the legislative activity displayed in restoring stability to the colony, and his judicious accordance in promoting the just wishes of the people, throw a shadow of doubt on the malignant character that has been ascribed to him as a public officer.

The adherents of Colleton had demanded that Sothell should sign the Fundamental Constitutions as a newcomer, notwithstanding that as a proprietor he was already bound by them. They demanded also that he should, before assuming office, declare his approval of the instructions as a rule of government. Placards were posted in public places, charging him with treason, and calling upon the people to withhold their obedience to his authority. The proprietors lent a ready ear to the leaders of their party, and recalled him under threat of an order from the king, to answer to the accusations against him. They repudiated his parliament, removed his officers, reinstated those whom he had displaced, and appointed some of his most active enemies, James Colleton, Thomas Smith, and Stephen Ball, with Ralph Izard and John Farr, on a committee to report the facts connected with his imprisonment of Mr. Grimbald, the secretary, for refusing to deliver up the seals used in

* See Appendix.

granting lands and records of his office. It was of little avail that Sothell wrote that he was willing to submit to their instructions, because this statement contradicted the representations of the deputies. But as it was designed to send two commissioners from the province to treat with the proprietors on all matters of difference, they instructed their deputies to agree, for this purpose, to what they considered a legal summoning of a parliament. "No proprietor single," they wrote to Sothell, "by virtue of our patents, hath any right to the government or to exercising any jurisdiction there, unless empowered by the rest; nor hath any seven of the proprietors power to bind any one in his privilege or property unless by agreement among ourselves, which agreement is contained in our Fundamental Constitutions." If any proprietor takes upon himself the government irrespective of the rest, "it is by the laws of England high treason," and to appoint judges and other magistrates is a "very high misdemeanor," as it is also in the person who accepts and executes an office so conferred. To remove and substitute deputies "tends toward a rebellion to the crown, arbitrary power in himself, and the outing of the rest of the proprietors of their rights."

Yet, should they proceed to extremities against him for his conduct at Albemarle, would it not sanction the insurrection of the people, those who had deposed and banished him—a proprietor? Should they annul all that he had done in South Carolina, would it not justify an insurrection there? for a majority of the people supported his policy, and it

was evident that his administration was better than Colleton's had been. The unworthy means he had taken to enrich himself were not much worse than some which had been practiced with impunity by other governors.

Finally in November the proprietors wrote to Sothell that he should cease to rule, and commanded him to yield obedience to Col. Philip Ludwell, whom they had commissioned to succeed him. It might well be asked, if this was not as contrary to the Fundamental Constitutions as any thing Sothell had done? But to render their measures effectual, a proclamation of his suspension was sent to the people, and obedience to Ludwell required of them "at their peril." Sothell being stripped of power retired to his estates in North Carolina, where he died in 1694; and it is said that much of the wealth he had accumulated there, was regained by those from whom he had unjustly taken it.

Col. Philip Ludwell, of Virginia, had married the widow of Sir William Berkley, and had been appointed in 1689 to succeed Sothell at Albemarle. His jurisdiction was now transferred to the colony at Ashley River. Although the titles of North and South Carolina now began to be used, no such divisions of the province were made; on the contrary, it was the design of the proprietors at this time to unite, if practicable, the two governments; and with this object Ludwell was instructed to induce the colonists at Albemarle to send delegates to Charles Town, and only in case of failing in this attempt to appoint a deputy there.

The removal of Sothell may have healed the afflicted honor of the proprietors, but it left unredressed the grievances of the people. Notwithstanding the friendship of Ludwell for the proprietors, and his desire to harmonize the distracted state of the colony, he entered upon his administration with no increase of power or promises of reform, but with minute directions merely to inquire into the mismanagement of former governors and the grounds of popular complaint. Employ no Jacobites (he was told)—beware of the Goose-creek men—reconcile yourself to our deputies—don't expect to carry on the government with all parties—convince the people that the grand council has power by the constitutions to pass all bills before they can be submitted to parliament; if you find the political offenders of past years so numerous that it will be “dangerous to punish them, grant a general pardon, with a few exceptions of the most notorious, against whom proceed by way of example”—issue writs for a new parliament, giving seven members to Berkley county, seven to Colleton, and six to Craven.*

The inhabitants of Berkley were of course irritated at the lessening of their number of representatives, and particularly at allowing the French settlers in Craven a seat in parliament; but the proprietors refused to alter the proportion, asserting that Colleton and Craven contained three fourths of the population. The new parliament, however, although elected in accordance with the writs, were no more subservient to the views of the proprietors than the former

* Private Instructions, November 8, 1691.

had been. In their first act [October, 1692] they disregarded an essential part of the Fundamental Constitutions, by giving the privilege of voting for members of the Assembly to every man worth ten pounds, without reference to time of residence in the colony; which act, with another to provide jurymen* by drawing twelve at a time as prepared by the sheriff, the proprietors wisely rejected as "dangerous to the country." This parliament also re-enacted the Habeas Corpus Act, giving the power of executing it to colonial magistrates. The erroneous doctrine had been advanced, that the laws of England were not of force in the colony. "By those gentlemen's permission," that so say," replied the proprietors, "it is expressed in our grant from the crown, that the inhabitants of Carolina shall be of the king's allegiance, which makes them subject to the laws of England."†

On account of the irregularities of Sothell's administration, or in the language of the Assembly, the "defect of the said government," as soon as the new Assembly met [September, 1692], an address was sent to Ludwell and the deputies, requesting an "act of free and general indemnity and oblivion, and a confirmation of all judicial proceedings in the late government," as essential for the prosperity of the colony, and the efficiency of any laws that might be made for the good of the people.

* MSS. Appendix. This act (which is lost) is *supposed* to have originated our method of drawing jurymen; and the plan has been ascribed to Thomas Smith. According to the Journal of the Commons, the bill was committed for preparation to James Gilbertson, Joseph Pendarvis, Daniel Courtiss, James Stanyarne, and Joseph Ellicott.

† Letter to Ludwell, April, 1693.

A necessity for some measure of this kind had already occurred to the proprietors ; but their private instructions prevented Ludwell from fully acquiescing in the wishes of the people. His reply does not indicate the great mildness of disposition generally attributed to him. "The last assembly was factious," said he. "Look to your Journals, and judge what clemency can be demanded. We are unwilling, Mr. Speaker, to believe that address had a due and mature consideration in the house, being unable to comprehend those double locks and bars, viz.: indemnity from and confirmation of all the judicial proceedings that past in the last government. What the meaning of these two fortifications heaped on each other is, we cannot imagine ; for the latter only being granted, whom you design the other for we can only guess. For, certainly, on the part of any the activest or cruelest persons in the last government, neither lock nor bar will be needful ; they need do no more than stand in the open street with the gracious concession in their hands, which being shown, must, like Medusa's head, kill all the opponents that behold it. And how far then an act of indemnity will shroud those whose properest interest it will be to seek it by this fatal turn of the tables, or how or when they will obtain it, we know not ; but do guess you well know (your last demand being granted) it must lie on the part of those who were the eminentest sufferers in the last government, to beg it to secure their already half-cut throats from the other slash ; for our part, we cannot possibly see what can be ascribed to us (whose own throats, by the way, must be exposed

among the rest) but by a mistaken act of mercy, to confirm, nay heighten, all the cruelties of the last government. Is this to be the way to establish peace and safety on either part? Mr. Speaker, we must own we understand it not."

The Assembly replied, explaining their address, a misunderstanding of which (they thought) had caused his honor's "strange style." They repeated their request. Ludwell prepared an act in accordance with his instructions. The Assembly would receive it only with alterations. He could not alter it; but to extricate himself from his dilemma, proposed that they should accept the indemnity as from him and the deputies for what it was worth, and prepare, on their part, a representation of grievances to the proprietors. His indemnity was unanimously declined.

The proprietors, however, unwilling to be balked in their conciliatory humor, while they now disallowed such an act except from themselves, sent out, under their "great seal," a general pardon to the people of Carolina (James Moore and Robert Daniel being excepted) for all crimes and offenses "committed prior to the publication of Ludwell's commission, in hopes that in time to come it may beget a firm resolution to become strict observers of the laws." Unhappily there was an unaccountable delay in announcing this pardon to the people.*

It was a slight concession to the demands of the colonists that the quit-rents might be paid to the receiver-general in indigo as well as money, because they "would not put hardships on the people." [Octo-

* MSS. Appendix.

ber, 1690.] Although when payment was still withheld they thought it no hardship to apply the force of English law, ordering Mr. Grimball to "distain for quit-rents under act of parliament which is in force." [April, 1693]. It was a greater concession, though secretly admitted, that since Sothell and the Carolinians had acted contrary to all the Fundamental Constitutions; and "Matthews, who pretends to be empowered by the people, assuring us that the people own none, we have made your instructions," the proprietors wrote to Ludwell, "suitable to our charter."* [November, 1691.] Yet a still greater concession was rendered necessary by the action of Ludwell's parliament, in which a committee was appointed to frame a "system of government, which shows their weakness," said their lordships, "since they have rejected the excellent system of Locke. We therefore have thought it best both for them and us to govern by all the powers of the charter, and shall part with no power till the people are disposed to be more orderly." This reluctance and reservation, however, were expressed to Ludwell alone, while publicly it was announced, "That as the people have declared they would rather be governed by the powers granted by the charter without regard to the Fundamental Constitutions, it will be for their quiet, and the protection of the well-disposed, to grant their request."

But the end was not yet. The constitutions continued as the contract or agreement between the proprietors; and frequently during the next thirteen years, we shall find their adoption pressed upon the

* Private Instructions.

people of Carolina. The garment that did not fit the infant was still so beautiful to the parent's eye, that it was altered, and pieced, and patched, and again and again lovingly tried upon his limbs, even in the years of his robust manhood.

In the mean time, before this decision of the proprietors was known, the Assembly had prepared their representation of grievances on the conveyancing of lands, the mal-administration of justice, the construction of the charter, the deficient number of delegates in the council and Assembly, and the obstacles to prompt legislative action in the ratification of laws;* and the committee† from the Assembly, "to consider of the method and drawing up of the system of government and form of granting of land," had been appointed to meet a similar committee from the upper house; and in the interval, all persons were invited to send to them "their views and suggestions about the government." The latter committee failed to meet at the appointed conference, and the Assembly imputed to Ludwell and the upper house, a desire to defeat their proceedings. [January 1693.] While denying such motives, they were yet anxious not to compromit themselves, and finally left the whole matter with the Assembly. No Solon or Lycurgus arose, nor were tables of stone or brass set up among the people. When the decision of the pro-

* See Appendix.

† House of Commons committee at this time were Col. Robt. Gibbes, Capt. Jas. Moore, Ralph Izard, Jos. Pendarvis, and Daniel Courtiss. The committee of upper house—Thos. Smith, Paul Grimball, and Jos. Blake.

priests was promulgated, the same laws existed as before ; the powers under the charter were the same that had always been in action ; the instructions to Ludwell of November 8, 1691, already in application, were of themselves considered a sufficient basis of government.

CHAPTER VII.

The Rules of Government according to the Charter—Ludwell courts popularity—Landgrave Smith appointed in his place—Power of originating laws yielded to the Commons House of Assembly—Difficulties which discouraged the new Governor—He resigns, and proposes that a Proprietor should be sent over—Introduction of Rice—The Huguenots of Carolina—John Archdale arrives—His Instructions and Administration—Settlement of Popular Grievances—His Indian policy—Leaves Joseph Blake governor—The last Fundamental Constitutions—The Assembly desire greater Privileges—The Proprietors and People at the close of the Century.

THE condition of the province on the recall of Sothell had roused the proprietors to unusual activity. Yet the papers issued by them on that occasion were not calculated to produce a reorganization in the management of the government. In some particulars a new order of things was engrafted upon the old; but bitter and sweet fruit grew upon the same branches, and the dissatisfaction of the people was only momentarily allayed.

The forty-three articles of instructions,* directed to Ludwell, were repeated on the appointment of his successor in 1693. In 1707, the Assembly, in a dispute with the proprietary governor, referred to these instructions, “which we take,” said they, “to be the present standing rules of government;” and the governor replied, “we also take them to be the present rule of government.”†

In this revision and embodiment of their former

* Appendix.

† MS. Journals of the Commons.

instructions the proprietors strictly retained their agrarian regulations, and surrendered no power claimed for themselves directly or by implication from the charter. The name and some peculiarities of the Fundamental Constitutions were withdrawn, that the colonists perhaps might perceive how little difference such a change would effect in their behalf. They were charged to be submissive to a system that was not beyond or contrary to the charter. To gratify the leaders of the people, ampler provisions were made for granting them lands by the governor, and the legislative privileges of the Assembly were defined and extended in cases in which the public peace and welfare required enactments, provided they did not "diminish or alter any powers granted to the proprietors."

But these powers were general. They admitted other forms of application besides those so pertinaciously adopted. Instead of authorizing a convention of the people at this crisis to frame a constitution or rules of government under the charter, their lordships insisted upon their own interpretation of their powers, and kept the tenure and acquisition of land alterable at their pleasure. To revolt would have been an act of extreme temerity under the existing circumstances of the colony and the mother country; and the history of events consequently continues one of impotency and misrule, and of disaffection and opposition.

We have noticed the dilemma into which Ludwell was led by the proprietors with respect to the act of indemnity. They subsequently wrote to him, "We

are glad to hear that you gain on both parties, and approve of your design to open their eyes. Avoid the snare Colleton fell into, who was popular at first; but the Goose-creek men, fearing the loss of their power, offered him an excise for his support, and in return made him turn out seal deputies, and disoblige others to please them; yet afterward called out against his avarice, whereby he lost the opinion of the people. We hear they are playing the same game with you, by offering a gift of a thousand pounds. James Moore is at the head of this faction. And in return you had an act of indemnity which you had not the power to grant."—"We observe you say the Goose-creek men are resolved to oppose all we shall offer; therefore they ought not to be employed. You say Sir Nathaniel —— has hopes for himself, were the government changed to the king. This cannot be from William, because he quitted the Leeward Islands on account of refusing to take the new oaths. Watch his actions."*

In endeavoring to "gain on both parties," the governor placed himself in a new dilemma. The style of the enacting clause had hitherto recognized the nobility as possessing the inherent legislative functions ascribed to them in the constitutions. The commons requested Ludwell's advice on this point. He told them to strike out "the nobility," and mention in their acts only the proprietors and the General Assembly, and forgetting the full title of the former, "true and absolute," which they insisted

* MS. Letter, 12 April, 1693.

upon.* He had also assented to several acts which the proprietors immediately annulled, as radical and dangerous to the colony; and thereupon repealed a part of their forty-three articles of instruction, forbidding the publication of a certain class of important laws until ratified by themselves in England.† He had been empowered to grant lands, and furnished with a form of indenture for that purpose. The opposition of the people finally induced him to propose to the Assembly another form of deed for granting lands, on terms that affected the interests of their lordships. [Nov. 1693.] In avoiding the whirlpool he was thrown against the rocks. Thomas Smith, one of the earliest settlers, had married the widow of John D'Arsens, who held a grant of 12,000 acres from the proprietors. Smith held also grants of his own, and was otherwise possessed of extensive property. He had been a deputy in council, and sheriff or chief-justice of Berkley county, and was chosen to succeed Colleton in 1690; but the arrival of Sothell caused his commission to be withheld. He was made landgrave in 1691, with 48,000 acres of land, and was now appointed governor and commander-in-chief in Carolina, with similar instructions to those given to Ludwell, including the obtaining of delegates from North Carolina, and the placing of a deputy-governor there.

Originally, all laws passed the council before they could be proposed in the Assembly; provided no negative was put on the council's decision by what was called the palatine's court. In the constitutions, as

* His reply to the House. MS. Journ., Sept. 1692.

† Appendix, Letter, Nov. 8, 1692.

altered in 1682, the grand council were at liberty to propose what they pleased to the Commons House of Assembly; or if the proposal of a necessary law was delayed by them, and the majority of the grand juries of the counties presented the matter for legislation, it became "lawful for any of the chambers to take cognizance of it, and propose it to the house."^{*} This alteration, we doubt not, was beyond the appreciation of those for whom it was meant as a concession. But it foreshadowed that reluctant untrammeled of the legislative power of the people, which it was the fortune of Gov. Smith to announce in these words: "The proprietors have consented that the proposing power for the making of laws, which was heretofore lodged in the governor and council only, is now given to you as well as the present council."[†] Henceforth the Assembly claimed the privileges and usages of the House of Commons in England, and the proprietors allowed the claim.

On the appointment of Smith, much was expected from his character, experience, and intimate knowledge of colonial affairs. But he lost courage at the popular ferment about the tenure of lands, payment of quit-rents, the naturalization of the Huguenots, and the recent annulment by the proprietors of the laws of Ludwell's parliament relating to juries and the election of representatives.[‡] Among his first instructions, Smith had been enjoined to compel by law the collection of rents, and assume the responsi-

* See Fund. Consts. Letter from Proprs., Appendix.

† MS. Journal of the Commons, May 15, 1694.

‡ Report of Grievances. Appendix.

bility of directing the receiver-general ; and there stood the violent James Moore and his coadjutors, determined not to pay. "We part with our lands only on our own terms," reiterated their lordships; "and we consider your deed invalid," rejoined the faction of the people, "because only some of you have set your hands and seals thereto." A number of the malecontents quitted the province ; and it was thought unless others went peace could not be restored. At length Gov. Smith, despairing of allaying the disturbances, wrote to the proprietors [Oct. 1694] that he and others intended to abandon Carolina and live in some other part of America ; "that it was impossible to settle the country, except a proprietor himself was sent over with full power to heal their grievances."* Without waiting for their reply, he resigned, and Joseph Blake acted in his stead until a new governor should be commissioned.†

The Edict of Nantz, which conferred the blessings of religious toleration on Protestants in France, was revoked by Louis XIV. in 1685. Before its revoca-

* Archd. 101.

† Hewit's and Ramsay's account (see also Glen's "Description, &c.", 2 Carroll's Coll., p. 270,) of the introduction of rice by Gov. Smith in 1694, may be true, except the date. But I could not repeat it while unable to explain the act of Assembly, Sept. 26, 1691, conferring a reward on Peter Jacob Guerard, inventor of a "Pendulum Engine" for "husking" rice, which was superior to any machine *previously used* in the colony. (See 2 Statutes at Large, 63.) In Appendix, in the bill of lading from London, 1671, one barrel of rice is mentioned, but it is not said that it was seed rice. It may be here noticed that cotton was exported from Carolina to the northern colonies before 1693. It was, with indigo, one of the products to be tried on the Experimental Farm by Col. West, under instructions of July, 1669.

tion the Calvinists, or Huguenots, had not been altogether free from abuses and restrictions; but when the protection of the law, though imperfect, was withdrawn, all the rigors of a bigoted tyranny were exercised against those who would not turn to the Catholic faith. Soldiers were stationed in their houses, children torn from their parents, tortures inflicted, and thousands of Protestants brought to death by the most inhuman persecutions; and yet, as if to pen up the victims, emigration was forbidden, and the seaports guarded to prevent their escape.

Nevertheless about half a million are said to have effected their escape through the inland borders of France, chiefly to Holland and thence to England. Of those who came from those countries to New York, a part preferred the warm climate of South Carolina, whither some of their countrymen had already emigrated.

The history of this first emigration is not without interest. In 1680, Charles had given a free passage in the ship *Richmond* to some families, forty-five persons in all, being half of those who then designed to remove from England to Carolina. It was hoped that they would introduce the successful cultivation of vines, and the production of olive oil and silk.* The favor of the government was obtained for them through the petition of René Petit, granted in the king's council, in October, 1679; and land was bestowed upon them by the proprietors.† Unfortunately the eggs of the silkworm were hatched at

* A Complete Discovery of Carrol., 1682, Carr. Coll. 2, p. 65.

† MSS Appendix.

sea, and for want of sustenance the worms died, and thus was frustrated the intention of erecting a "manufactory of silk" in the colony. The transplantation of native grapevines had already been begun by the settlers, whose vineyards contained also, through the gift of some of the proprietors, "the noblest and excellentest vines of Europe." Olive trees from the West Indies grew luxuriantly in the soil of the province. But the improved cultivation of those products, expected from the experience of the French, was not realized. The good-will, however, of the king and lords proprietors toward the distressed and exiled Protestants is an instance of noble humanity, while their solicitude for the enrichment of Carolina in the best agricultural staples, presents a contrast to their want of wisdom in regard to her political welfare.

Private contributions and the munificence of parliament gave aid and encouragement to the multitude that sought refuge in England after the revocation. Liberal grants of land were made by the proprietors to many who desired to emigrate to South Carolina. Including a small portion to some Swiss settlers, these grants, within two years, amounted to more than fifty thousand acres.† Both what was given and sold were on equal terms of possession and descent with the lands given and sold to English settlers, notwithstanding the opinion of the latter that the new-comers were aliens in all respects in the colony, as they were in the mother country.

The nobility and wealthier portion of the refugees

* See "List," Appendix.

remained nearer their old homes, in England and on the continent. Those who ventured to America were generally tradesmen, agriculturists, and mechanics.* Merchants, goldsmiths, watchmakers, shipwrights, block-makers and sail-makers, coopers, weavers, leather-dressers, gardeners, apothecaries, gunsmiths, wheelwrights, and other artisans, found a home and employment in Charles Town; while about seventy families settled in Craven county, on the Santee (and some on Copper River, and at Goose Creek), and industriously set to work in clearing and cultivating the ground. Their coming was a happy event. The colony needed such men. Sobriety and earnest labor brought to the destitute exile competence and accumulating comforts. Such as had been able to fetch money with them, and had purchased lands and slaves, soon saw themselves surrounded by the teeming plenty of fertile plantations. The stranger who entered their hospitable dwellings could not fail to be impressed by the kindly feeling and mutual assistance that prevailed among those sufferers in a common cause, and now so far separated from their native land.†

Gov. Sothell had the wisdom to see the usefulness and noble character of these immigrants; and as soon as he had power, all French and Swiss Protestants were by law constituted as free born in the colony, and of equal rights with the other settlers.‡ But the proprietors, as before mentioned, dissented to all "the pretended acts" of Sothell's parliament; and the

* 2 Stat. 132.

† Lawson, p. 12.

‡ 2 Stat. 58, 59, May, 1691.

king himself rejected this innovation in naturalizing aliens within the limits of his dominion.*

It is surprising that, immediately after this, the lords proprietors issued orders to Gov. Ludwell to allow six members of parliament from Craven county, which was peopled almost exclusively by these Huguenots.† Was it to lessen the power of the people's party in Berkley? It only created a new ferment. "Shall the Frenchmen," said the English colonists, "who cannot speak our language, make our laws?" And the flame of national animosity was re-ekindled against those whom they had lately welcomed with kindness, and whom the officers of the proprietors had been instructed to befriend.

Memorials were addressed the governor to dissuade him from permitting the French to have a seat in the Assembly. The severities of the alien law of England were threatened against them and their children. Their marriages and their property were held equally unentitled to the respect and protection of the laws.

On these points, after consultation among themselves, they addressed complaints and inquiries to the lords proprietors, who sent the following instructions to the governor and deputies, April 10, 1693. "The French have complained to us that they are threatened to have their estates taken from their

* I take this to be the act "repealed by the king in council." See Note of Editor, 2 Statutes, 118.

† Hewit says they were not allowed a single representative. But the Journals of the Assembly show that the parliament, in September, 1692, contained the six members from Craven, who swore allegiance to William and Mary. The preceding Journals are lost.

children after their death, because they are aliens. Now many of them may have bought the lands they enjoy of us, and if their estates are forfeited, they escheat to us, and God forbid that we should take the advantage of the forfeiture, nor de we so intend; and therefore have sent our declaration under our hands and seals to that purpose, which we will shall be registered in the secretary's and register's office, that it may remain upon record in Carolina, and be obliging to our heirs, successors, and assigns. They also complain that they are required to begin their divine worship at the same time the English do, which is inconvenient to them in regard to several of their congregation living out of the town are forced to come and go by water, and for the conveniency of such, they begin their divine worship earlier or later, as the tide serves, in which we would not have them molested. They complain also that they are told the marriages made by their ministers are not lawful, because they are not ordained by some bishop; and that their children begotten in such marriages are bastards. We have power by our patent to grant liberty of conscience in Carolina; and it is granted by an act of parliament here; and persons are married here in the Dutch and French churches by ministers that were never ordained, and yet we have not heard that the children begotten in such marriages are reputed unlawful or bastards. And this seems to us opposite to that liberty of conscience their majesties have consented to here; and we, pursuant to the power granted to us, have granted in Carolina. We desire these things may be removed, and that

their complaints of all kinds be heard with favor, and that they have equal justice with Englishmen, and enjoy the same privileges ; it being for their majesties' service to have as many of them as we can in Carolina. We would have them receive all manner of just encouragement whatsoever. And we would have you send for the chief of them, and give them assurance of it.”*

In a letter to Mr. Trouillard, (their minister), and six others, they said : “Perhaps you too opposed the fourth set of the Fundamental Constitutions, the last we sent to the colony ; these would have been your protection. But in future look to us as your protectors, and do not be led by those men who oppose our plans.”†

But the naturalization of aliens in America was a matter about which the proprietors hesitated to express an opinion. Could they then expect them, under such circumstances, to “have equal justice with Englishmen and enjoy the same privileges ?” If the fears of the Huguenots on the one hand were quieted, on the other they could not have complained of the popular efforts to exclude them from a participation in the political powers of the government.‡

The letters received from Gov. Smith and Sir Nathaniel Johnson in 1694, induced the proprietors to call a full meeting to consider the state of the

* See Appendix.

† 12 April, 1693, MSS.

‡ I have seen (in the possession of Ogden Hammond, Esq.) a list of the French Protestants who at different times arrived at New York, and many of whom came on to Carolina. The list contained 372 names. The original is in the handwriting of Guillme Le Conte.

colony, and to elect one of their number to go to Carolina with extraordinary powers to appease the discontent of the people. The young Lord Ashley, grandson of the Earl of Shaftesbury, was unanimously chosen for this important duty ; but declining it because the affairs of his father required his attention in England, the proprietors elected John Archdale, [July 18, 1694], a pious and intelligent Quaker, who had obtained a proprietorship through Thomas Archdale, the purchaser of Lady Berkley's share. [May, 1681.]

A year elapsed before he reached Virginia; from which place, although clothed with discretionary authority, he scrupulously requested specific power to appoint new deputies, to abate the quit-rents in arrear and to sell land. His request was granted, and where he needed guidance, he was referred to the instructions sent to Ludwell. At length on 17th August, 1695, he entered upon his government at Charles Town, with conciliatory expressions to all parties, and a patient inactivity in public affairs. He came with authority to settle all disputes concerning lands ; to sell, at £20 per thousand acres, the land near the settlement, and £10 for the same quantity in the interior ; to take care of the Indians as he

Ramsay (So. Ca. 1, p. 5,) gives only 63 family names. On the Huguenots, see also Weiss, and the interesting papers of Daniel Ravenel, Esq., in the *Southern Intelligencer*, Charleston, June, 1822, or *City Gazette*, May, 1826, containing a list of 117 French and Swiss refugees who wished to be naturalized, probably about 1696, with their place of birth and family relationship. The list begins with Rev. Elias Prioleau and Rev. L. P. Trouillart. See MSS. Appendix ; in 1699, the number in the four different churches amounted to 438.

thought best ; to build new towns ; to fortify Charles Town, and grant it a particular charter ; and to permanently settle the government by examining the Fundamental Constitutions, finding what would be acceptable to the people, and proposing a new set to the proprietors for their confirmation.*

Archdale spent several months in privately "allaying the heats" of the people, and when he judged them fit for "a solid settlement of this hopeful colony," his first parliament was convened.† They expressed their thanks for his "good favor and great kindness" to the people, and their readiness to unite their efforts for the "perfect settlement" of the province.

Then business ensued. He told them the proprietors required the jury act to be changed so that the names of jurymen should each be on single pieces of parchment and not by twelves. He next informed them that the price of selling land was altered to only half the former price, and bade them remember the proprietors had borne the expense "of several thousand pounds" out of their own pockets in settling the province. As he had spoken to them of his "many dangers and hardships" by land and by water incurred only for their benefit, the Assembly immediately gave him the opportunity he seemed to desire, to benefit them, and earnestly solicited him to remit the arrears of rent, which were now a grievous burden upon all the people. To their surprise he

* Articles of Instruction for Archdale, MS. Journals of Assembly.

† His address to the Commons, Nov. 1695.

refused to do so except on hard conditions.* They had no doubt looked for his arrival as for the coming of a bright messenger from afar with healing in his wings.

Archdale himself says, “But, courteous readers, after this fair blossoming season to produce peace and tranquillity to the country, some endeavored to sow seed of contention, thereby to nip the same; insomuch that they sat six weeks under civil broils and heats; but at length recollecting their minds into a cooler frame of spirit, my patience was a great means to overcome them.”† These remarks are applicable to both his parliaments; but he did not expend much of his patience upon the first, which was dissolved after a session of a few weeks. [Nov. 29.] Thereupon the speaker, Jonathan Amory, presented the governor a petition in behalf of himself and the people at large for thirty representatives. Archdale immediately issued a proclamation for the freemen of the colony to meet on 19th December, at Charles Town, “then and there by a majority of their voices to agree to and ascertain the number of their representatives.” He professed to do this in compliance with the request of the “modest and reasonable members of the House of Commons and other well-meaning inhabitants,” and not at all to please “the obstinate majority,” who had just defeated his designs for the peace of the province.‡

Of the thirty representatives on which the people decided, the twenty for both Berkley and Craven

* MS. Journals of the House.

‡ See Appendix.

† Descript. of Carolina, p. 103.

were elected at Charles Town, and the ten for Colleton at Capt. Bristow's plantation in that county. The Huguenots were not among the "liege subjects" who assembled in parliament, January 1696. An humble petition was again made for an abatement of the debts due to the proprietors.* Archdale and his council proposed to remit all arrears to Michaelmas, 1695, provided the remaining debts were secured, the town fortified by means of taxes, and measures taken for the ready payment of quit-rents for the future. The Assembly first demanded an accurate statement of accounts between the people and proprietors. Whilst the governor thus bargained where he ought generously to have given, he requested on his part a clause to be inserted in the militia act in behalf of "tender consciences," which was negatived, *nemine contradicente.*†

At length business proceeded more in the spirit of compromise, and some important laws were passed. The Assembly agreed to the stipulations of Archdale, and on the other hand, quit-rents were remitted for three years to all who held by grant, and four years to all who held otherwise, except for baronies or creditors to the proprietors.‡

The repeal of laws not infringing on the rights of the crown, or of the proprietors, or relating to lands, could not be made *without the consent of the General Assembly.*§ This restricted the veto power of the proprietors, and was doubtless more than the Assembly had hoped to gain.

* See Appendix.

‡ 2 Statutes, 102.

† Journals, Feb. 19, 1696.

§ 2 Statutes, 101, § 16.

Lands rented were to be held at a penny an acre, or the value thereof in indigo, cotton, silk, rice, beef or pork (barreled), or peas ; to be appraised by an equal number of men appointed by the governor and the commons in Assembly. In case of non-payment of the quit-rent, the receiver of the lords proprietors could distrain, or bring an action in court for recovery. The land should not revert to the proprietors unless payment were delayed for seven years. All former grants or purchases, from authorized agents, notwithstanding any legal deficiencies in the conveyance, were confirmed to their possessors.

Delays in obtaining lands were obviated. New settlers were exempt from rent for five years. To all who wished to purchase, the price of land was fixed at £20 per 1000 acres, with a rent of 12*d.* per 100 acres, and not revertible till non-payment for 21 years. These reversions of land were intended to prevent unoccupied tracts hindering the contiguity of settlements.

These measures removed the "doubts, jealousies, and discouragements" of the people. The judicial and military officers were retained in their positions ; but the deputies of the grand council were made "two moderate churchmen to one high churchman, whereby the balance of the government was preserved peaceably in my time," he writes in 1707, "and so left and continued whilst Blake, whom I left governor, lived."* By these party names, subsequently used, it is meant that he appointed two of the party (who

* Archdale, 113.

were generally dissenters or moderate men of the Episcopal church) who, formed under West, favored the progress of the people, and had recently succeeded in counteracting those who espoused the constitutions and the illiberal powers of the lords proprietors.

Archdale's humanity led him to take a lively interest in the welfare of the Indians. But his laws affecting them were not so wise as his interference in settling their disputes when he had an opportunity. He released from captivity four Indians and sent them back to their tribe near St. Augustine, with a friendly letter to the Spanish governor; who was induced thereby to act kindly in return to some Englishmen shipwrecked on the Florida coast. His benevolent advice to the Indians near Cape Fear caused them to befriend a number of passengers soon afterward cast away at that spot. But his views for maintaining peaceable relations between the colonists and savages were inconsistent with the nature of the latter and the advancement of the former.* His plan to secure justice by making the white man judge in all cases, as well between Indian and Indian as between white men and Indians, had already failed under previous governors. Sothell had forbidden, under severe pen-

* Archdale's plan for converting the Indians to Christianity, was to send among them missionaries skilled in chemistry and mineralogy "to introduce them into a good opinion with the Indians." "Let them have sent with them (if not far from the English) some English children to introduce familiarity with the Indian children, so that they may be brought to learn letters, &c." (Description, &c., p. 99.) Lawson improved this plan by advising amalgamation as the surest means of conversion.

alties, fire-arms and rum to be given them. Archdale's law was more lenient, and entitled all Indians, near the settlement, to a pound of powder and thirty bullets for each destructive beast they killed, beyond the yearly tax of "one woolfe's skinn, or one tiger's skinn, or one beare's skinn, or two catt skinns." A similar tax had been unsuccessfully recommended by Governor Smith. Previously the aborigines were regarded as a distinct people, irreconcilably averse to mingling with the whites, and incapable of the restraints of their laws and customs. But Archdale undertook to be their friend, and including them under the protection of his government, imposed upon them in return the tax above mentioned. And as the enforcement of a law requires a penalty, all who failed to produce the "skinn" were publicly to receive a severe whipping "on the bare back."* It is not likely that the colonists carried this law fully into effect; nor perhaps another of his laws against stealing boats and canoes, by which a white freeman or servant was punished by a fine, whilst the Indian for the same offense was included with the slave and received thirty-nine lashes, and for a second offense had his ear cut off.†

Archdale, yielding to the opinions of the people, left the Indian trade, and the condition of the Huguenots as he found them, but advised, with regard to the latter, the plan which was afterward adopted. He seemed afraid lest he should do too much; and leaving many things undone which required atten-

* 2 Statutes, 109.

† 2 Statutes, 105.

tion, he hastened from the colony [1696], after appointing his friend, Joseph Blake, governor. He had been mild and just, and the people respected him; he had conceded a few privileges, and they eulogized him; he had remitted their debts, and they heaped upon him their heartfelt thanks. In the gentleness of his nature he considered that he understood all their wants and wishes, and could suggest an acceptable remodeling of the fundamental form of government. He lived to see that his permanent establishment of tranquillity did not last longer than a few years.

The administration of Blake* was peaceful. His most important measure was the enfranchisement of the Huguenots and all other aliens, which met the hearty approval of the proprietors. Whoever applied for citizenship obtained it on swearing allegiance to the crown of England. All Christians, "Papists only excepted," were confirmed in privileges of religious liberty and worship.† [March 10, 1697.]

When the last revised set of the unalterable constitutions was submitted to the commons in Assembly [Sept. 1698], they quietly postponed the consideration thereof "till another time."‡ Reduced to forty-one articles§ by the omission of manors and leetmen, the cumbrous system of courts and their dignitaries,

* Son of the first mentioned Jos. Blake; he became landgrave and proprietor. See Oldmixon, who had lived with the family in England.

† 2 Statutes, 133.

‡ MS. Journals.

§ These constitutions were signed April 11th, 1698, by Bath, palatine; A. Ashley; Craven; Bath, for the Lord Carteret; Wm. Thornburgh, for Sir John Colleton; Thos. Amy, and William Thornburgh. A printed copy is in Charleston Library.

&c., the new constitutions remained the same in matters of religion; still created landgraves and caciques to form the upper house of parliament, limiting them however to half the number of the commons; made the governor and council the palatine's court, and continued to proclaim that property was the foundation of "all power and dominion" in Carolina. With these constitutions six engrossed (blank) patents for landgraves and eight for caciques, were sent as an inducement for their favorable reception.

After several weeks had passed, the Assembly requested the governor and council to inform them if they had power to alter and amend the proposed form of government, and were told they had not. But they appointed a committee* who denied to landgraves and caciques, as an order, all legislative power; required baronies to be reduced to a smaller extent of land; that throughout the colony lands should be secured to the people at the present rate of rent and purchase, and that no freeholder of a certain quantity of land should have his body attached in civil causes. The constitutions consequently were again laid aside by the proprietors.

But the people found new grievances to keep awake their spirit for political improvement; and the assembly prepared an "humble address" to their lordships, setting forth their gratitude, and requesting compliance with certain "little things, compared with those many and grand favors" of Archdale's time.†

* The committee of the Assembly were Captain Job Howes, Ralph Izard, and Dr. Charles Burnham.

† See Appendix.

Some of these "little things" were, that the governor and council, with consent of the Assembly, might have power to repeal any law confirmed by their lordships, and that the former might be less restricted by instructions; that no law, from any source, should be of force in the colony, if not passed by the colonial legislature; that not more than 1000 acres of land should be granted in one piece; that they might have the right of coining money, &c. The proprietors merely replied to Gov. Blake, that they were astonished that he, being a proprietor, had permitted such an address to be issued—a precedent for so much future evil.

The Assembly meant, in a part of this presentation of requests and grievances, to assert that the king had no right by orders of his council to enjoin upon the proprietors (as several times he had done), to publish and enforce acts of the British parliament in Carolina; or if the proprietors thought themselves bound to obey the king, such acts, to be binding upon the colonists, must first be re-enacted by their own parliament. The acts at this time complained of, related to trade and navigation, privateering and pirates. The impunity occasionally extended to pirates, who aimed their blows against the enemies of the colonists, was not confined to Carolina. They met with greater indulgence in Philadelphia, and along the coast of Pennsylvania and Delaware, where roamed the fleet of Capt. Kid.* The king's council reiterated complaints to the proprietors, who

* See Mem., Hist. Soc. of Penns., vol. 4, pt. 2d.

in turn complained to their governors and deputies.* [1698.] But if a pirate's ship were captured, to whose use, in the absence of provincial laws, should its valuable cargo—Spanish ingots, and perhaps the jewels of the Great Mogul—be confiscated? If a trading vessel were seized for violating the British navigation acts, or that “for preventing frauds and regulating abuses in the plantation trade,” who should protect the king's interests, and receive his “thirds?” Before what court should the case be tried? Moreover, in appointing governors, would it violate the privileges of the proprietary charters to require first the approbation and sanction of the king? Had not the king in council the power of annulling any obnoxious provincial law, even after it received the ratification of the proprietors? Hence arose proposals in England for sending out attorneys-general to the provinces, for erecting courts of admiralty, and again, for bringing all proprietary governments under a nearer dependence on the crown.

But again the lords proprietors bent before the blast, and by a prudent submission to all the wishes of the higher power, still avoided a surrender of their charter. Some of them had purchased for £300 their eighth of these vast domains, now rapidly increasing in value. It had been a joint-stock business from the beginning. It was not the fault of king Charles that his friends had not sooner realized their fortunes from his lavish gift. The fault had been in themselves, in their stubborn system of government,

* “List,” Appendix.

which was framed without regard to circumstances or consequences, and they were now ungraciously yielding both to their king and to their colonists.

The colonists, on the other hand, were growing in numbers and riches.* Rice and indigo, furs and skins, turpentine, lumber, salted provisions, and many other articles were exported; while at little trouble or expense, abundant supplies of food were obtained from the water, from the forests and cultivated fields. The fame of their success had reached distant lands. What if the century closed upon them under an anomalous political system? The changes already wrought only indicated good. In proportion to their increase of strength, they felt the loosening of the bonds which suppressed their growth and impeded their progress.

* But they were not exempt from many calamities.—On March 12, 1697–8, the governor and council wrote to the proprietors, “We have had the small-pox amongst us nine or ten months, which hath been very infectious and mortal; we have lost by the distemper 200 or 300 persons. And on 24 Feb. last, a fire broke out in the night in Charles Town, which hath burnt the dwellings, stores, and out-houses of at least 50 families, and hath consumed, (it is generally believed,) in houses and goods, the value of £30,000 sterling.”

April, 1698.—The small-pox still continued, and many Indians died from it. (See Dalcho, 32, note.) In the year following, an afflicting disease broke out, which is supposed to have been the first appearance of yellow fever.

CHAPTER VIII.

Nicholas Trott—His Influence in the Colony—Death of Blake—A Faction places Moore in his place—Abuses at Election—Secret Expedition against St. Augustine—Queen Anne's War—Failure of the Expedition—Its Results—Defection of the Assembly—Riot in Charles Town—Sir Nathaniel Johnson, Governor—Granville, Palatine—The Faction predominate—The Establishment of the Church of England becomes their chief object—Increased Abuses at Election—Complaints of the People—Military Condition of the Province—Moore's Expedition against the Apalatchee Indians—French and Spanish Invasion of Carolina—Repulsed—Designs of the New Party—Dissenters and Episcopalian—Trickery in summoning the Assembly—Act passed excluding Dissenters—Protests of the Minority—Establishment of Church of England—Boon sent to England by the People—Rejected by the Proprietors—Petitions the House of Lords—Their Address to the Queen—Proceedings against the Charter—Colonial Acts declared null and void—Events in the Colony under the Disqualifying Act—A New Assembly in favor of the Dominant Party—The Governor's Violence.

IN 1698, Nicholas Trott, Esq., of London, once governor of the Bahama Islands, received a commission from the proprietors to be Attorney-general of South Carolina. His duties embraced, besides the prosecution of criminal matters, the examination of proposed laws with respect to their concordance with those of England, and the preparation of laws affecting land and the Indian trade; all public commissions and grants were to pass through his office, and the records of all offices were to be opened to his scrutiny. He was also made naval officer to advise with and assist the king's officers in collecting the customs, &c. Possessed of great abilities and clothed with extensive powers, Mr. Trott came recommended especially to

the attention of Gov. Blake, and immediately attained an influential position in the colony. Being elected to the next Assembly, he exhibited at once that proclivity to antagonism which marked his subsequent career. In a conference of committees from the council and Assembly [February 19, 1700] on a bill for regulating the court of admiralty, Gov. Blake, who presided, was insisting upon a certain point, when Mr. Trott interrupted him with the remark: "With submission to your honor, you are too fast; we are not come to that point yet;"* and without disclaiming an intention to offend, declared in reply to such a charge, his right to freedom of speech, since he recognized Mr. Blake as one of a committee, and not in his character of a proprietor and governor of the province. The conference was dissolved, and Blake refused to meet them again if Trott should be present. The matter was referred to the Assembly, whose interests Trott affected for the sake of popularity; and they resolved "that any manager appointed by this house have freedom of speech, as it is their undoubted right." But Trott had rendered himself censurable for partiality as the prosecuting officer of the port, and the governor suspended him on this account from exercising the functions both of attorney-general and naval officer. At this juncture, Gov. Blake died; and Trott had no difficulty in persuading the next Assembly to resolve that there were not sufficient reasons for his suspension, and to request his reinstatement, which was granted, after a strange show of reluctance, by his friend the suc-

* MSS. Journals.

cessor of Blake, occasioned no doubt by Trott's opposition to too flagrant a scheme of the new governor to turn to his private advantage the emoluments of the Indian trade.

During the session of the same house, the Fundamental Constitutions brought over by Major Daniel were subjected to the criticism and ridicule of the attorney-general. And yet from his report it is not easy to say whether he was in their favor or against them. After stating the immunities granted by the charter to the proprietors, and the necessity for a concurrence of the freemen of the province in the establishment of any law or constitution, it is reported "that the said original charter is the only true basis from, by, and according to which, other laws, methods and rules of government, which any ways concern the people's lives and their liberties, freeholds, goods, or chattels of the inhabitants of this province, ought or legally can be taken, derived, or enacted. That the said charter particularly and expressly provided for our *civil* liberties; and freedom in matters of religion and conscience is thereby given us *by and under the lords proprietors consent*. That the constitutions of which we are to consider, make and set up an estate different and distinguished from the lords proprietors and the commons house, without whose consent no law shall or may be enacted, which is called in said constitutions the upper house, consisting of the land-graves and caciques, who being created by their lordships' letters patent are also a middle state between the lords and commons; which constitution we cannot find that it any ways contradicts the said charter.

We find that the 22d article in the constitutions manifestly interferes with our jury act now in force. That all other articles in the constitutions are as near and agreeable to the said charter as may be, or at least no ways repugnant to it."* The charter and constitutions were read, the latter voted valid notwithstanding the death of several who had signed it, made the special order for the next day, and then its second reading deliberately carried in the negative. And yet a great deal was accomplished by the report. It announced, with peculiar significance, the fact that the extent of religious toleration in the colony depended solely on the will of the proprietors. But the times were now troubled, and the minds of the people were filled with the contemplation of other events.

The tranquil administration of Blake had been succeeded by a period of disturbance and by the domination of a faction, the first that rose to power in the province and truly deserved the name. According to the regulations originally made and always acted upon, the deputies of the grand council, by a majority of those then present, elected Joseph Morton, the eldest landgrave, governor till the pleasure of the lords proprietors could be known. But James Moore, a member of the same body, ambitious, enterprising, and overburdened with debts, rallied a party to his support and left no means untried to secure the office for himself. He objected to Morton's election because he held a commission from King William. It availed nothing that Morton's friends replied that his commission as judge of the admiralty must ne-

* MSS. Journals, August 31, 1702.

cessarily come from the king for the trial of facts committed out of Carolina and beyond the limits granted to the proprietors by the charter. Had they known of Moore's negotiations, not many months before, for obtaining advantages for himself by double dealing in relation to certain silver mines he professed to have discovered while trading among the Indians, they might easily have presented a countervail for Morton's apparent defection from the interests of the proprietors.* On 22d March of the preceding year, Randolph, the agent for the Board of Trade, had communicated the secret to the Earl of Bridgewater, adding, "My lord, as this is a matter of great import to the crown if it succeed, so if it be [do] not, it will prove an utter ruin to Mr. Moore; if the lords proprietors know that he hath neglected their lordships and made his proposals in the first place to your lordships, he will certainly be a double loser, for besides his great charge and travel to discover the mines, the lords proprietors will upon the first notice turn him out of the council and take from him his office of secretary," &c. But Moore's double dealing was unknown, and the plans of his party could not be annulled or retarded by arguments. The election of Morton was set aside, and his rival substituted as governor of the province.

It now became important to secure both the council and Assembly to his interest; for he might hope for such results with the clever assistance of Daniel, Trott, Rhett, Howes, Dearsby, and other adherents.

* See Letters of Moore, Cutler, and Randolph—Appendix.

The vacancies in the council he filled by those of whose good-will he was assured. To gain the next Assembly was a work of greater difficulty. But for this end he and his party shrunk not the next year from the most indirect means and the basest prostitution of the elective franchise. In that election [Nov. 1701] unqualified aliens, strangers, paupers, servants, and even free negroes were allowed to vote.

As soon as the Assembly met, petitions were presented by the defeated candidates praying to be heard against the correctness and validity of the sheriff's return.† The Assembly, most of whom were incorruptible, and, it appears, unconnected with Moore's party, promptly resolved to enter into an immediate investigation, to prevent which they were prorogued from time to time. Few laws were passed, while debates and reports continued day after day on fortifications, Indian trade and traders, elections and the privileges of the house. Being summoned in April [1702], the busiest time with the planters, they met and adjourned till 5th May. Gov. Moore angrily imputed their conduct to a greater regard to private than the public welfare, and prorogued them till August.

In the interval, reports were circulated that Col. Daniel had instigated Moore to govern by martial law, if the Assembly should continue to exhibit a refractory spirit.† When they met they began with recriminations; for if the public welfare had required their counsels, why had the governor through pique

* See Repr. of Coll. Co.—Appendix.

† MSS. Journals of the House.

prorogued them until August? And was it true that he designed to menace them with coercion? "Oh! how is that sacred word Law profaned," they said, "when joined with martial! Have you forgotten your honor's own noble endeavor to vindicate our liberties when Colleton set up this arbitrary rule?"

But the gathering storm is averted. The doors are closed. Speeches are pronounced in subdued tones. A secret and sudden expedition against St. Augustine is the subject of debate. Men and even women who had been there, are sent for and interrogated with regard to its fortifications and general condition for defense.*

The expedition was agreed upon; but when Col. Daniel was nominated as chief commander, it was carried in the negative. The Assembly requested the governor himself to take the command. £2000 were voted, and it was thought that ten vessels and three hundred and fifty men with Indian allies would be a sufficient force; "the encouragement to be free plunder and a share of all slaves."

By this time the secret had escaped, and the merchant vessels in the harbor anticipating impressment were busy in putting to sea. An embargo was immediately proclaimed, and all suspicious persons secured from giving notice of the expedition. Gov. Moore accepted the command on condition that the Assembly would concur with him in a plan for the government during his absence, namely, by a majority of the council.† On assuming command, he appointed Col. Daniel to head the attack by land,

* MSS. Journals.

† See 2 Statutes, 195.

with one hundred Carolinians and about five hundred Yemassee Indians, while he with about four hundred men sailed from Port Royal, their rendezvous, to St. Augustine. In September, when they had left, the Assembly set apart a day of humiliation and prayer for their success.

William of Orange had died this year, on 8th March, and Anne, daughter of James II., immediately became Queen of England, by virtue of the act of settlement in favor of the Protestant heirs to the throne. Her Catholic relatives had found refuge and protection in France; and on the death of James the claim of the Pretender to the English sovereignty was declared and supported by Louis XIV. This able monarch, with the aid of distinguished ministers and generals, had rendered the power of France formidable to England. But in the war now proclaimed against him and his grandson, Philip V. of Spain, the military genius of Marlborough and Prince Eugene won many brilliant victories for England and her allies, and a peace humiliating to France was concluded at Utrecht, in 1713.

During this war, the American colonies of the belligerents could not remain neutral. The disputes and hostilities of Europe necessarily affected them; and in the vast extent of territory intervening between the rival settlements, the different hordes of savages were courted to alliance by the respective parties. The wars beyond the Atlantic were felt, not as a tempest at sea that moves the distant waters by a swell or subsiding billow, but as a virulent con-

tagion that rages with as deadly a power afar as in the spot of its birth.

When Gov. Moore planned his secret attack on St. Augustine, it was not known in Carolina that war had been declared; yet his opponents, who refused to sanction his movement, were called traitors and enemies to their country. They believed the design of the expedition to be the enriching of himself by plunder and captives, as they particularly accused him afterward of granting commissions to Dodsworth, Makoone, and others, to destroy or "take as many Indians as they possibly could; the profit and produce of which Indian slaves were turned to his private use."* But the Spaniards also, before the declaration of war [1702], had put themselves at the head of 900 Apalatchee Indians, and set out to surprise the Carolinians. The English traders among the Creeks roused them to battle, and with 500 men met the invading force on the banks of Flint River. It was evening. The bloody war-god calmly awaited the beams of day. But at dawn, the Creeks stirred their fires, arranged their blankets where each man had slept, and, creeping away, hid in the adjacent forest. The Apalatcheans soon stole noiselessly to the deserted camp, and rushed in with a yell upon what they took to be their sleeping foes. But instantly the war-whoop of the Creeks rose around them on every side. Many of the invaders were slain, and the plans of the Spaniards were entirely disconcerted. It is reasonable to suppose some connection between this affair and the charge against the governor of

* Coll. Co. Repr. Appendix.

granting to irresponsible persons the power "to set upon, assault, kill, destroy, and take" Indians who were not in open hostility against the colonists.*

The precautions to keep secret the extraordinary incursion of the Carolinians under Gov. Moore were unavailing. The inhabitants of St. Augustine had heard of it, and had already sent to Havana for reinforcements. Retreating to their castle with their most valuable effects, and provisions for four months, they abandoned the town to the approaching enemy. Col. Daniel, landing from small boats at the St. John's River, took the villages St. John's and St. Mary's, and arrived first at the point of attack. He had pillaged the town before the fleet arrived. The governor now entered the harbor, landed his forces, made the church his quarters, and laid siege to the castle, which was surrounded by a deep and broad moat. He suddenly discovered that he was unprovided with the necessary artillery for the reduction of the castle, and that the Spaniards and Carolinians must gaze at each other until a sloop could go and fetch mortars and bombs from Jamaica. He was, moreover, unfortunate in selecting an agent for this purpose; who, through cowardice, folly, or treachery, put back to Charles Town, and only proceeded on his voyage when others came forward and volunteered to take his place in command.†

In the mean time, Col. Daniel himself set sail for Jamaica and procured what was requisite. During his absence, two Spanish ships appeared off St. Augus-

* Report on Exp. to St. Aug., 1741; Carr. Coll., vol. 2.

† Oldmix.; 2 Carr. Coll., 423.

tine; and Moore, after three months of inglorious delay, instantly burned the town and all his vessels, abandoned the siege, and hastened back by land with his forces. Col. Daniel narrowly escaped the Spanish ships on his return, but was convoyed in safety to Charles Town by Admiral Whetstone of the English navy, whom he met at sea.

When the Assembly next convened [Jan. 1703], the courage and conduct of Col. Daniel were highly praised, and the governor was thanked reluctantly, and not without dissent, especially from Mr. Ash. There was a loss of only two men in this expedition, but it entailed a debt of £6000 upon the colony, which was more than all its previous debts put together. A violent disaffection arose when it became known that the Spanish ships (one of 16 guns, the other of 22,) were too small, and their force too feeble to have caused much alarm.*

In Moore's precipitate retreat, his ally the Yamassee chieftain, being roused from his quiet slumbers and bid to hurry on, replied, "No, though your governor leaves you, I will not stir till I have seen all my men before me."†

But the people were excited, and the majority of the Assembly began to enter upon a more extensive plan for the reduction of St. Augustine, Pensacola, and other Spanish strongholds. A brigantine was

* Coll. Co. Repres.

† Oldmixon, 424. Col. Daniel wrote a narrative of the events, which was read to the house, but it is not recorded in the Journals. The report of 1741, 2 Carroll's CoH., states Moore's forces to have been 500 whites and 500 Indians.

offered to Col. Daniel to cruise on the coast of Florida.* He declined it, and Capt. Wm. Rhett was selected for its command. But before another invasion was undertaken, it was considered best to pay for the last, against which many citizens held just claims. Committees on investigation and committees on accounts held meeting after meeting, and continually begged leave to sit again. At length on motion a bill, astonishing to the people, was read for raising £4,000 by taxation, in addition to the £2,000 which it had been estimated would cover the expenses of the expedition. To fill up the measure of disgust on the part of the disaffected, a bill twice passed by the house for regulating elections, being sent to the governor and council for concurrence, was summarily rejected, without, as usual, inviting a conference. Whereupon a large number of members, acting under instructions of their constituents, entered their protest, and left the house. They returned, however, the following day, desirous of securing, if possible, a concurrence of the others in vindicating their liberties and the privileges of the Assembly. They met with unexpected and intolerable abuse from the governor's adherents. But these not commanding a majority of the house, were obliged to adjourn.

John Ash, Thomas Smith and others were soon

* The Assembly offered to supply with provisions a frigate, if one should be sent from England to cruise on their coast. In making this offer they informed Adm. Whetstone that Charles Town bar had "thirteen feet of water at high tide-water at neap tides, and fifteen feet at spring tides, at least;" and Port Royal, thirty-eight leagues to the southward, eighteen feet at low tides and twenty-four at high water on ordinary tides. (MS. Journals, Jan. 7, 1703.)

afterward set upon in the streets by Dearsby, Dalton, Nicholas Nary and others of Moore's party, and cruelly maltreated. Ash took refuge in the bedroom of one of his friends. The house was surrounded by an armed mob, who demanded that he should come down. On assurance that they wished only to speak with him he made his appearance, when Capt. Rhett and others seized him and dragged him along to Rhett's ship, threatening to hang him or carry him to Jamaica, or some remote island. Gov. Moore was busy treating the rabble to drink, drinking with them, thanking them for their support, and haranguing against the refractory members of Assembly, declaring "they would bring the people on their heads for neglecting to pay the country's debts." After witnessing the commencement of the riot, he withdrew, and allowed it to take its unchecked, tumultuous course. The riot continued four or five days. A drunken crowd with weapons in their hands possessed the streets. Joseph Boon was fearfully beaten, a private house was broken open and a poor woman so abused that she gave birth to a dead child. Landgrave Edmund Bellinger was the only justice of the peace who boldly went forth in discharge of his duty to stay and suppress the wild tumult, nor did opprobrious epithets, nor the violent blows over the head which Capt. Rhett showered upon him, deter him from his purpose. While the riot still continued, Ash, Smith, Byres, Boon, and others appealed to the governor and council to relieve them and their families from hazard, and put down the rioters. The only satisfaction they obtained was Moore's reply

that "it was a business fit for a *justice of the peace*;" and being asked whether or not he considered himself bound, as governor, to preserve the peace of the province, he replied, "that was a question he was not obliged to answer."*

But Moore's precarious tenure of office was now ended. The £4,000 had not yet been voted, the Indian trade had been kept from his grasp, no victorious laurels for warlike deeds graced his brow, and the board of trade in London had declined to negotiate in private about silver mines. Although disappointed, he was none the less energetic, restless and ambitious. If he was gratified in retiring a richer man, with the church plate of St. Augustine, (as it was said,) in his house and Indian captives on his farm—yet he afforded a higher gratification to the friends of Carolina in having proved that all his strategy and the cunning devices of his able friends, all their fraud and threats and violence and corrupted elections, still found a majority of the thirty representatives of the people, too virtuous to bend to his selfish purposes, and too patriotic to brook a violation of their rights and liberties.

At this period in the history of South Carolina a change began in the course of political parties. The recent agitation resembled an upheaval by which old land-marks are obliterated and the troubled waters are turned from their accustomed channel. The war against France and Spain, the elevation of Granville to the palatiniate of the province, the death of most of the first leaders of the people, the appointment of

* Oldmixon; Coll. Co. Repr.; Appendix.

Sir Nathaniel Johnson as governor, James Moore, attorney-general, Nicholas Trott, chief-justice, Job Howes, surveyor-general,* threw into the hands of the late faction an increase of power; and on the future direction and strength of this power would depend the resistant force which the latent majority of the people should combine to erect against it. Strange as it may seem from such a beginning, the new party soon spread to the breeze the banner of religion; and with their zeal for the establishment of episcopacy united a determination to keep the whole government to themselves.

After the riot in Charles Town, the court did not hold its session before Moore was superceded and transferred to his new office. It became vain to hope for redress from the judicial officers who had been themselves the abettors of the rioters. Edmund Bellinger, however, laid a record of the events before the grand jury, but the partisans of Moore defeated its presentation. Neither the council nor the bench nor the governor took the part of justice. The influential men who had been the guilty leaders of the mob, no doubt enjoyed the joke, when the attorney-general would not prosecute himself, and the chief-justice said it was none of his business, it was "a matter before the council," and the governor declared that "it happened before his time." Nor did the aggrieved party meet with support or sympathy when they sent Mr. Ash as their agent to the proprietors in England, and a representation of the

* Commissions dated June 1702.

circumstances, attested by the names of 150 of the most worthy Carolinians.

But the dominant party were a minority, and had much to dread from the next Assembly, whose biennial election was at hand. They could hope for little from Colleton county, where dwelt the families of Morton, Blake, Boon, and most of the members who had deserted the previous Assembly. But the twenty members for Craven and Berkley were to be chosen at Charles Town, and here it was determined to carry the election by all means. "Jews, strangers, sailors, servants, negroes, and almost every Frenchman in Craven and Berkley counties, came down to elect, and their votes were taken."* Greater violations of justice were committed than at the former election. "Force was made the arbiter of all differences." The "conspirators," as they were called by their opponents, triumphed in their plan, and the legislative, executive, and judicial branches of government were now under control of the new party.

When Granville had desired the queen's approbation of Sir Nathaniel Johnson, it was known that while governor in the West Indies, he had refused to take the new oaths after the revolution in England; and his experience and courage were particularly urged in recommendation of him in the critical position of governor of a frontier during the war against France and Spain; and the condition of his appointment being the taking of the oaths, it was shown from the records of the province that he had already taken them; and his commission was accordingly

* Coll. Co. Repr.; Boon's Petition: Appendix.

sanctioned. The new Assembly, in April, 1703, thanked their lordships for this appointment, and requested, as their own resources were exhausted by the late expedition, that the queen would send them warlike stores and forces and a frigate; "though we are immediately under your lordships' government, yet we are her subjects, and we hope not only to defend ourselves, but even to take St. Augustine."*

The report to the Assembly on the public stores of ammunition and arms, in August, 1702, showed 2306 lbs. of gunpowder, 496 shot of all kinds, 28 great guns ready for service, 47 "Granada," 360 cartridges, and 500 lbs. of pewter bullets. The powder and cartridges were voted sufficient; and 4000 wt. of shot, 25 cannon (12 of 24, 6 of 18, and 7 of 12), and 40 dozen Granada shells, were ordered.

When Johnson assumed his office, there were guns, large and small, as follows: At the great battery 36, half-moon 28, small battery 28, platform 10. In 1708 the grand council wrote to the Queen's officers in England: "Charleston the chief port in Carolina, by the direction and diligence of our present governor, Sir N. Johnson, is surrounded with a regular fortification, consisting of bastions, flankers, and half-moons, ditched and palisaded, and mounted with 83 guns. Also, at the entrance of the harbor, on a place called Windmill Point, (within a carbine shot of which all vessels must pass by,) is now building and almost finished, a triangular fort and platform of capacity to mount 30 guns,† which, when finished, will be the key and bulwark of this province;

* M.S. Journals.

† Fort Johnson; 2 Stat., 333.

but wanting some large heavy guns, both for the fortification and about Charles Town, and the said fort and platform, together with a suitable store of shot," . . . "we pray your lordships to become intercessors to her sacred majesty, that she would please to give us 50 guns, viz: 30 demy cannon and 20 culverin of the largest size, with a suitable store of shot and powder, which is all we want to make Carolina impregnable."*

Gov. Johnson, with limited resources, wisely staid at home, and exerted himself to render the capital of his province as defensible as possible. But, perhaps through Moore's solicitation, he sent him forth in December, 1703, at the head of fifty Carolinian volunteers and one thousand Indians, to ravage the country of the Apalatchees, the allies of the Spaniards. They inhabited the region north and west of St. Augustine, supplied this place with provisions, and allowed many small Spanish forts and Catholic chapels to be built among them. The first town which Colonel Moore reached was Ayaville, having a tolerably complete fortification, with its usual appendage of a chapel, (for the Spaniards always made greater exertions for the conversion of the natives than the English did.) Balls and arrows greeted Moore's approach, and his men taking refuge behind a mud-walled house, proposed to rush forward with axes and break through the chapel door. This was immediately attempted, but the Carolinians were beaten back with fourteen wounded. Two hours afterward they succeeded with aid of the Indians in setting the chapel

* MSS. Letter to Board of Trade.

on fire, but had two men killed, Francis Plowden and Thomas Dale.* They captured only one white, (a friar,) and about fifty Indians, and over a hundred women and children, and killed in the two assaults twenty-five men. The next morning twenty-three Spaniards from fort St. Louis, with four hundred allies, gave battle to the Carolinians. Their leader and eight of his men were taken prisoners in the engagement, and five or six killed, with about two hundred of the Indians. On the part of the Carolinians, Capt. John Bellinger was killed, fighting bravely at the head of his men. The same day, Capt. Fox died of wounds received in the assault at Ayaville. Five towns, protected by forts, now surrendered unconditionally. The Cassique of Ibitachka being strongly posted, was treated with, and compounded for safety with "his church's plate, and ten horses laden with provisions." "I am willing to bring away with me," says Col. Moore, "free, as many of the Indians as I can, this being the address of the commons to your honor to order it so. This will make my men's part of plunder (which otherwise might have been £100 to a man,) but small. But I hope with your honor's assistance to find a way to gratify them for their loss of blood." He returned in March with 1300 free Apalacheans and 100 slaves. By his own devastation and the depredations of his numerous allies, the country of the enemy was completely subdued. He received the thanks of the proprietors, wiped off the ignominy of his failure at St. Augustine, and increased his means by the sale or bondage of more captives.†

* See Moore's Report of the Exp.; 2 Carroll's Coll., 575.

† Hewit, 140.

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Carolina forming on the south and west the frontier of the English settlements, was open to invasion from Havana as well as from St. Augustine. Having long expected an attack from the French and Spaniards, the Carolinians had fortified Charles Town. The prevalence of yellow fever in the summer of 1706, when five or six deaths a day among their small population was not a rare occurrence, had caused the town to be abandoned by almost every one who was able to take refuge in the country. The governor himself was residing on his plantation at Silk Hope.

A captain of a privateer sloop from New York, who had been cruising off St. Augustine to capture a vessel bound thither from Havana with money to pay the garrison, was suddenly chased from the coast by a fleet of four ships, and sailed into Charles Town harbor with the news on Saturday, 24th August. He had not cast anchor more than an hour, when five columns of smoke were seen rising from Sullivan's Island, which indicated that so many vessels were heaving in sight. It was now five o'clock in the afternoon. Lieut.-col. Rhett immediately sounded an alarm, sent for the governor, and despatched messengers in every direction to summon the militia companies. At night the alarm guns shook the town, and roused many a weary watcher of the sick and dying.

This period of devastating sickness was chosen for a sudden attack on the colony by Le Feboure, commander of "a private ship of war," aided by four other French privateer ships that happened to be at

Havana. The Spanish governor joined in the plan, and having furnished a portion of men, had directed the fleet to St. Augustine for greater reinforcements.

They did not attempt to cross the Charles Town bar on the night of their arrival, and all Sunday and Monday they were busy in taking soundings. In the mean time, on Sunday, Maj.-gen. Broughton, with two companies and the gentlemen of Col. Logan's troop, arrived; the next day Gov. Johnson took command; and being an old soldier, encouraged all by his presence. Martial law was proclaimed. Early on Tuesday morning, Captains Johnson, Linche, and Hearne, and Drake, from James Island, were posted with their companies in the immediate neighborhood of the town, for the fever still raged within the lines. The same morning, the enemy with four ships and a galley, and a number of boats for landing their men, crossed the south bar and stood for the town with fair wind and tide. When they obtained a view of its fortifications, where the governor with his forces stood ready to receive them, they suddenly bore up and came to anchor at Sullivan's Island. A sloop which had been sent over to Wando River to bring Capt. Fenwicke and his company succeeded in doing so, notwithstanding an attempt of the enemy's galley to intercept them. The next morning, Capt. Longbois from Santee, and Seabrook from the southward, marched with their men into town. A council of war was held, and it was determined to go out to the enemy, as they would not come to them. Three ships, a brigantine, two sloops, and a fireship, all the harbor afforded, were manned and equipped; and

Col. Rhett, with a commission as vice-admiral, hoisted the Union flag, and was ready for attack.

A flag of truce now came on shore with a message to the governor. The messenger being conducted into Granville bastion, held by Capt. Evans, informed the governor that he was sent to demand in the name of the French king the surrender of the town and country, and the inhabitants as prisoners of war; and that only one hour was granted for his decision. Johnson replied that it needed not a minute's time to give a decision, and in the end politely requested him to "go about his business."

Predatory parties were sent ashore on James Island and Haddell's Point, the latter consisting of 150 men; against whom Capts. Fenwicke and Cantey marched, and in a brisk engagement killed and wounded above a dozen, and took 33 prisoners. Some perished in attempting to escape by swimming. On the side of the Carolinians, there was but one killed. The next day, Col. Rhett with his fleet offered battle to the French ships at the bar. In haste and confusion they stood for sea. The threatening weather prevented a pursuit. In looking for them afterward, fourteen of these brave invaders were discovered on a point of land by Capt. Watson, and brought as prisoners to town. The country companies were now discharged, and martial law ceased. But information was brought that a ship had anchored in Sewee Bay and landed its crew. Capt. Fenwicke was sent against them by land; while Col. Rhett, with Col. Risbie, Capt. Evans, and a number of gentlemen as

volunteers, went by sea in a Bermuda sloop and the New York privateer before mentioned.

This ship, at Sewee, under Capt. Pacquereau, had been intended to be an important part of the French fleet, having on board Gen. Arbouset, of the land forces, with his officers and about two hundred men. They could not have been aware that their comrades were repulsed; for their force was now separated, and Capt. Fenwick attacked one portion of it posted at Hobeaw, and killed fourteen and took fifty prisoners; while the same day Col. Rhett entered Sewee Bay, and the ship immediately surrendered with about ninety men on board. The wind being contrary, Mr. John Barnwell, a volunteer, was sent by Col. Rhett, with news of the capture. There were now 230 French and Spanish prisoners in Charles Town.* It is not on record how many of them died of yellow fever. Thus perished the first attempt to take this city by a naval force; not through the strength of its fortifications, nor the multitude of its defenders, but through the courage and activity of its citizens. The governor thanked them publicly for their valor and for their unanimity, especially at a time when so violent estrangements existed between political parties. On the other hand, the governor himself received from the proprietors a substantial token of

* This account depends chiefly on the report written in Charles Town, September 13th, 1706, and published in the *Boston News Letter*. It is republished in the *Carolina Gazette*, June 2d, 1766. See also, "Expedition to St. Augustine," 2 Carr. Coll., p. 353. I have also a MS. account from the governor of Jamaica, from Chalmers' Notes from Papers in London. The Report of the Committee of South Carolina Assembly in 1741, states that the enemy had "a fleet of ten sail, with

their approbation in a large tract of land, granted him in terms most flattering and honorable.*

But his administration was more particularly distinguished by the establishment of episcopacy, which appears to have been effected by a scheme at first known only to the leaders of the party lately risen to power, and which they had in view in the last election of representatives. Their policy was strenuously supported by the new palatine. Indeed, it would be in accordance with the principles and whole career of this nobleman, to ascribe to him the origin as well as the subsequent support of the scheme.

The accession of William III. had terminated, (except in Ireland), the public conflicts of the Catholics and Protestants. Among the latter, the Puritans had become merged with the Presbyterians, who prevailed in Scotland, as did the Episcopalians in England. Their marked religious differences operated for a long time to prevent the perfect union of the two kingdoms. The Episcopalians now began to be divided into high churchmen and low churchmen, whose differences about forms and ceremonies, a strict or liberal interpretation of doctrines, were not so great as to cause a separation in church government. Little harmony, however,

800 men, whites, mustees, and negroes, and 200 Indians." In this emergency, the funds for necessary expenses were raised by Gov. Johnson on his individual responsibility. MS. Journals, House of Commons. Ramsay, 1, p. 135, adds some items of interest, perhaps from tradition. The prevalence of yellow fever in 1703 and in 1700, were the first appearances of this disease.

* Ramsay, 1, p. 135.

existed between them and dissenters from episcopacy.

Where church and state are connected, and the people possessing democratic powers consist of large classes differing in religious doctrines, the strong and triumphant not seeking reconciliation with the weaker, but demanding conformity, imposing penalties and creating civil disabilities—it inevitably results that the sects become transformed into political parties, for or against parliamentary enactments, or in support of such changes in government as might promote their own views and interests. But while the mother country suffered from year to year from these distracting causes, the colony of South Carolina had been happily exempt from them; because the settlers had generally left their native lands to be free from these identical evils of intolerance.

The charter evidently contemplated the establishment of the Church of England in Carolina, but did not specifically provide for it. Had the second or subsequent Fundamental Constitutions been adopted by the people, the church, *ipso facto*, would have received its establishment. We have already seen why the party strongly in favor of such a measure, "had lain dormant from the beginning."* They were not bold enough to attempt it by direct legislation till Lord Granville was palatine of the province, who was well known as a zealous advocate of high-church episcopacy, and an inflexible opponent of dissenters of all denominations. It became his favorite project to establish his church in Carolina,

* Archdale.

and to exclude dissenters from any participation in the government.*

The colonies, in America, constituted a part of the diocese of the Bishop of London, who recommended ministers to the colonial churches. In South Carolina, after a church had existed eighteen years, provision was made for the maintenance of its minister, [1698] who needed assistance, appropriating to his use £150 per annum, a negro man and woman, and four cows and calves. In the same year, Mrs. Affra Coming gave, as an additional support, a farm of seventeen acres, which now form three valuable squares in the heart of the city, and afford a large income to the church.†

Governor Blake, and a great portion of the council and Assembly that passed this act,‡ were dissenters. It was through the governor that the act was proposed. So peaceable were the relations of the people with respect to religion, that it was said "even the ministry of the Church of England had support from Protestant dissenters."§ In 1700, the white population in the colonies was computed to be between five and six thousand,|| yet there was but one episco-

* Oldmixon, 418.

† Dalcho, 34.

‡ The preamble of the act is erroneous in stating that the charter denied "any public maintenance," except to Episcopilians. These were the terms of the repudiated Fund. Consts.

§ Oldmixon; Carr. Coll., 2, 417. Archdale, 113. Boon's Petition. I find no evidence that religious differences had yet entered into the politics of the colony. Bancroft, 3, p. 16, and others who give the same account, were perhaps misled by Archdale's rambling and confused history of his times—Sayle, Morton, Smith, Archdale, Blake, and (I think) West, were dissenters.

|| Hewit p. 130. In Humphrey's "Hist. Account," &c., p. 25, it is

pal clergyman beyond the limits of Charles Town, who had just arrived, and officiated at Goose Creek. His successor, two years afterward, found there only five communicants. At the same time there was an Independent church at Dorchester; and in Charles Town a church of French Protestants, another of Baptists, another of Congregationalists, and a Quaker meeting-house. The French church, with three others of the same denomination beyond the town, contained 438 members. As late as 1706, it was said, "'tis notorious that above two thirds of the people of Carolina are dissenters;" and the minister of the Church of England, in Charles Town, wrote of them to Dr. Stanhope, as "the soberest, most numerous, and richest people of the province."*

The faction in the colony, whose rise we have witnessed, was developed into an episcopal party before their opponents were aware that religion entered into their plans. No allusion was made to this subject by the large number of their opponents who sent a statement of grievances to the proprietors, in June, 1703. The governor, who was a zealous churchman, entering into the scheme of his party, called together the Assembly in May, 1704, before the time had expired for which it stood prorogued; and as soon as it met, no doubt with all whom he could depend on designedly present, the well-planned measure was brought forward.

said, "in the year 1701, above 7000 persons, besides negroes and Indians," inhabited So. Ca. This is certainly incorrect. *Vide Report of Council, in 1708.*

* Case of Dissenters: Appendix.

On 4th May, Col. Risbee asked leave to introduce a bill.* It was read. "For the more effectual preservation of the government of this province, by requiring all persons that shall hereafter be chosen members of the commons House of Assembly, and sit in the same, to take the oaths and subscribe the declaration appointed by this bill, and to conform to the religious worship of this province, according to the Church of England, and to receive the sacrament of the Lord's Supper according to the rites of the said church. Some members immediately called for the reading of the grand charter. But the opposition was soon overcome; the bill was passed through its first reading with amendments; and Col. Risbee was ordered to present it to the governor and council.† They passed it and returned it to the house. The next day it received its second and third reading, and was sent as a law for ratification by the governor and council. It bears date the 6th May. It was passed by a majority of one, twelve voting for it and eleven against it, among whom were some Episcopilians. Seven members were absent. The day to which the Assembly had stood prorogued was the 10th of May.‡

In the house, Thos. Jones, John Beamer, Laur. Denner, Wm. Edwards, and Jno. Stanyarne, entered,

* Dalcho, p. 52, must be mistaken in the date assigned to the Letter to the Society for Propagating the Gospel. If it should be dated 1706, his inferences are erroneous. Yet the designs indicated in the letter are such as probably prevailed in the party prior to the enactment of 1704.

† MS. Journals.

‡ See 2 Stat. 232; Case of Dissenters: Appendix.

under leave, their dissent in these words: "that King Charles II. having granted a liberty in his charter to the people for the settling of this colony, we think the above bill too great an infringement on the liege subjects of his majesty." Charles Colleton, "that the said bill is not proper for the inhabitants of this colony at this time." Jas. Cochran, because "contrary to the liberties of the inhabitants of this province, granted by the charter from his majesty to the proprietors of this province, which liberty hath encouraged many persons to transport themselves into this province."* There being no further use for the Assembly, it was prorogued till October. In the council, Landgrave Joseph Morton was denied leave to enter his protest against the act. It was signed by the governor, and Broughton, Moore, Gibbes, Noble, and Trott. The most tyrannical clause in this law required, that in the case of the representative elected refusing to qualify as directed, the next on the sheriff's return should be entitled to the seat, or the next, and so on till the list were exhausted; and then only should a new writ be issued. An oligarchy supplanted the representative assembly. Ten men might elect a member against the votes of a thousand.

A motive assigned for this sudden exclusion of dissenters was the fear of inquiry into the illegal practices of the ruling party, since the dissenters happened principally to be those who urged such a measure. It was certainly not for religion's sake. If we give credence to their own minister, Mr. Marston,

* Journals.

rector of St. Philip's, we must believe "that many of the members of the commons house that passed this disqualifying law, are constant absentees from the church, and eleven of them were never known to receive the sacrament of the Lord's Supper," though for five years past he had administered it in his church, at least six times a year.* The same Assembly had passed an act against blasphemy and profaneness, "which they always made a great noise about," wrote Landgrave Smith, "although they are some of the most profanest in the country themselves."†

When the Assembly met in October, none of those who had protested against the disqualifying act appeared at first in their seats. Much time was consumed in settling the case of Mr. Marston, who had in several sermons spoken against the oppressive usurpations of the house, among other things comparing the members to Korah and his rebellious brethren. They finally deprived him of his support from the treasury; and in their law for the establishment of religious worship in the province, introduced by Ralph Izard, they allowed themselves to make an *ex post facto* enactment, directed, as Governor Johnson subsequently confessed, against Mr. Marston,

* Case of Dissenters, Appendix; Archdale, 110. Having referred so often to the "Case of the Dissenters," I must remark that the author of it is in error in discussing the Fund. Consts., and also in representing the dissenters as the body of the people favoring their adoption. They were no doubt preferred by some to the disqualifying law. The proprietors' party now in power rejected the Fund. Consts. Oct. 18, 1704. (Journals of the Coms.) Gov. Johnson was in favor of their adoption.

† See his letters, Dalcho, 56; from the Journals.

"the pest of the country."* Among many extraordinary and arbitrary regulations of this law, the clause we are alluding to was particularly obnoxious to churchmen as well as dissenters. It established a lay commission for the trial of ecclesiastical causes. They "were authorized to sit in the judgment-seat of spiritual officers, and thus to wrest the ecclesiastical authority out of the hands of the Bishop of London." Their purpose, however, was effected in arraigning before them the Rev. Mr. Marston, and removing him from his benefice.†

On the passage of this law for the establishment of episcopacy, motion being made by some members for recording their protest, the Assembly followed the example of the council, and resolved "that no member shall have leave to enter his dissent." [November, 1704.] Liberty of speech, not only in the pulpit and Assembly, but throughout the community, was practically denied; for every one was liable to be dragged to court, or summoned before the bar of the house, for a curse or naughty expression derogatory to his honor the governor, or disrespectful to the legislative oligarchy.

The scene is now changed to London. When Mr. Ash had been prevailed upon by Morton, Bellinger,

* 2 Stat. 240, § 25.

† Dalcho 62. The commissioners under this act were Sir Nathaniel Johnson, Thomas Broughton, Jas. Moore, Nich. Trott, Robt. Gibbes, Job Howes, Ralph Izard, Jas. Risbee, Geo. Logan, Wm. Rhett, Wm. Smith, John Stroud, Thos. Hubbard, Richard Beresford, Robert Seabrook, Hugh Hicks, John Ashly, John Godfrey, James Serurier, *alias* Smith, and Thos. Barton—a majority of whom, or eleven, were a quorum, and had power to fill vacancies occasioned by death or absence.

all the Colleton members, and several of the highest standing in Berkley county, to proceed to England and present an account of their miserable condition to the proprietors, the opposite party were so apprehensive of danger from the measure, that their efforts to defeat it obliged Mr. Ash to hasten to Virginia, and there await his necessary instructions. In England he found Lord Granville so entirely in the interests of the dominant party in Carolina, that he determined to prepare a statement for publication, but died when but a few sheets were printed. His papers and correspondence came by improper means into the hands of the governor and council, who did not hesitate to ill-use those who appeared from these papers to be exerting themselves against them.*

Mr. Boon was now sent, and many London merchants trading to Carolina, united with him in petitioning the proprietors to repeal the recent acts of Assembly. Granville being vainly solicited for seven weeks at length called together the proprietors. At their meeting, Mr. Archdale's opposition to the ratification of the objectionable acts, met with the haughty response from Granville: "Sir, you are of one opinion and I am of another, and our lives may not be long enough to end the controversy. I am for this bill, and this is the party that I will head and countenance." And when Boon requested that he might be heard by counsel, he met with the reply, "What business have counsel here? It is a prudential act in me, and I will do as I see fit. I see no harm at all in this bill, and I am resolved to pass it."

* Oldmixon, 431.

But others saw much harm in it. The Society for the Propagation of the Gospel, by whose christian liberality the colony had been greatly benefited, met in St. Paul's church, and taking into consideration the act for establishing religious worship, resolved not to send or support any missionaries in Carolina, until the act, or at least the clause relating to lay commissioners, should be repealed.* And Boon, turning from the proprietors, looked for justice and redress to the House of Lords. After briefly and lucidly reciting the history of events, he besought them to consider the deplorable state of the colony and provide for its relief.† Granville and Craven exerted themselves to justify their ratification of the laws, and to avoid impending danger from such a tribunal,‡ but to no purpose; for the lords, in their address to the queen [March 12, 1706], characterized the creation of lay commissioners as "not warranted by the charter granted to the proprietors of that colony; as being not consonant to reason, repugnant to the laws of this realm, and destructive to the constitution of the Church of England;" and the disqualifying act as "founded upon falsity in matter of fact," (inasmuch as its preamble stated, that receiving the sacrament according to the rites of the Church of England was required of every member of the British parliament,) and "repugnant to the laws of England, contrary to the charter," "an encouragement to atheism and irreligion, destructive to trade, and tends to the depopulating and ruining of the pro-

* Archd. and Oldmix.

† See this Petition, Appendix.

‡ MS. Notes.

vince." And they proceed :—" We, your majesty's dutiful subjects, having thus humbly presented our opinion of these acts, we beseech your majesty to use the most effectual methods to deliver the said province from the arbitrary oppressions under which it now lies, and to order the authors thereof to be prosecuted according to law ; at the same time we represent to your majesty how much the powers given by the crown have been abused by *some* of your subjects, justice requires us to acquaint your majesty that some of the proprietors absolutely refused to join in the ratification of these acts. We humbly beg permission to inform your majesty that other great injustices and oppressions are complained of in the petition ; but the nature of the fact requiring a long examination, it was not possible for the house to find time for, so near the conclusion of the session ; and therefore we presume, with all duty, to lay the petition itself before your majesty at the same time we present our address. We cannot doubt but your majesty, who, from the beginning of your reign, has shown so great a concern and tenderness for all your subjects, will extend your compassion for those distressed people, who have the misfortune to be at so great a distance from your royal person, and not so immediately under your gentle administration. Your majesty is fully sensible of what great consequence the plantations are to the crown of England, and to the trade of your subjects ; and therefore we rest assured that, as your majesty will have them all under your royal care, so, in particular, you will be graciously pleased to find out and prosecute the most ef-

factual means for the relief of the province of Carolina."

The queen answered this able address: "I thank the house for laying these matters so plainly before me. I am very sensible of what great consequence the plantations are to England, and will do all in my power to relieve my subjects in Carolina, and protect them in their just rights."*

The subject being referred to the Board of Trade [April, 1706], they consulted the crown lawyers, whose opinions were carefully prepared, pronouncing that the laws ought to be made void; and on this authentic basis the lords commissioners reported an abuse of power on the part of the proprietors, and consequently a *forfeiture of their charter*, and recommended its annulment by legal process.† This opinion was signed by Lord Dartmouth, Hon. Robert Cecil, Sir Philip Meadows, Wm. Blathwayte, Matthew Prior, and John Pollexfen. There was also an order of council for the queen's attorney and solicitor to report what measures were requisite for recalling the charter. The proper method was indicated, but doubts expressed whether it might not involve an infringement on the privileges of the proprietors, who were peers of the realm; and consequently ultimate action against the charter was withheld. But these decisions were cherished in the memory of the Carolinians. The queen, on 10th June, according to the advice of her officers, declared the two enactments of the colonial Assembly to be *null and void*.

* Dalcho, 68.

† MS. Notes.

Returning to the House, in Charles Town, that so hurriedly passed, by a majority of one, the act excluding dissenters, we are told that quickly afterward a majority, no doubt much larger, voted its repeal, which was rejected by the governor and council.* The fact that it could not have been adopted, if all the members had been present, renders more striking the iniquitous trickery of its enactment. It remained as the law under which the next Assembly were elected, the former having been dissolved by the governor. In Colleton, out of 200 electors, ten went to the polls, by whose votes the ten members of the county were chosen. In the election at Charles Town for Berkley and Craven, it is said, a complement of "high church" episcopal candidates could not readily be found.† The politic management of those opposed to the "occasional bill," as it was called, secured the votes of the French by including one of their countrymen among their candidates. The governor's party, alarmed for their laws, "gave out, an Assembly was chosen who would repeal the church act and not pay the Augustine debt; threatening if they did, the house and town should quickly be too hot to hold them." When the Assembly met [January 2, 1705], the governor took occasion of some irregularities committed in its organization to dissolve them, and order the issuing of new writs of election.

The dominant party by exertion and violence were more successful. A majority of the new Assembly qualified as prescribed by law; others refused to do so, and the next on the sheriff's list were summoned

* Boon's Petit.; Case, &c. *ad finem.*

† Oldm. 441.

to their seats. Of the commons,* convened in March, 1706, nearly all favored the church establishment; and James Risbee, who had had the honor of introducing the bill against dissenters, now proposed to trample upon the liberties of the people in a way equally illegal and tyrannical, and yet met with support from the house and the sanction of Sir Nathaniel Johnson. They knew that should the dissenters and moderate churchmen combine, or should the former alone unite to overthrow their power, they could not for a moment withstand the onset. They determined, therefore, while they had the opportunity, to pass a law for continuing themselves in authority, for "two years, and for the term and time of eighteen months after the change of government by the death of the present governor, or the successor of another in his lifetime."† Because, "next to the general security of the country, the interest and preservation of the Church of England, so happily begun to be established in this province by the zealous endeavors of the right honorable the present governor, ought to be principally regarded,

* The members of this Assembly were Wm. Rhett, speaker [in place Job Howes, deceased], Robert Daniel, Robert Seabrook, Arthur Middleton, Dove Williamson, David Davis, Thomas Barton, Jonathan Fitch, John Ash, John Whitemarsh, John Woodward, William Peters, John Fenwick, James Risbee, Henry Wiggington, John Abraham Motte, Louis Pasquereau, James Moore, Jr., Edward Loughton, William Bull, John Cantey, Thomas Farr, Xph. Wilkinson, Ralph Izard, James Williams, Charles Burnham, and Abraham Eve. Hugh Grange, Thomas Rose, and Hugh Hext refused to qualify. The oaths of allegiance, supremacy, abjuration, and the declaration required of members, will be found in Appendix, copied from MS. Journals. The Fundamental Constitutions were also urged upon this house, who resolved to consider them "when the house was full."

† 2 Statutes, 266.

which notwithstanding, by a change and alteration of government by the succession of a new governor, may be endangered of being undermined, if not wholly subverted and overthrown by the enemies thereof."

In Johnson's address to this Assembly, he inveighed against the opposers of his church policy as "unsteady and censorious," as "unfit to make laws," being at their years hesitating in the great law to themselves, viz., "in what manner to serve their great Creator." The church should have a "sure and lasting establishment" in Carolina. Dissenters are "restless spirits" with "plausible pretenses of conscience and liberty." But do you act as what you are, "true sons of your mother, the Church of England." Some men wished the government in their hands only to cast it "into their anti-monarchical models and principles."*

The house responded heartily, and went in a body to present their answer. It was not surmised what course would be adopted against their laws and conduct by the head of their mother church; and elated with success they separated, on prorogation, till September.

* MS. Journals.

CHAPTER IX.

The Disqualifying and Church Acts repealed in the Colony—the Church Act of 1706—Benefits derived from it—Schools and Education—The General Condition of the Province—Population—Militia—Commerce—Shipping—Manufactures—Indians—Religious Sects—Prices of Labor—Public Expenses—Paper Currency—Agriculture—Change in Political Parties—Trott and Rhett—Their unpopularity—Altercations of Governor and Assembly—Death of Granville—Col. Tynte appointed Governor—The Assembly vindicate Johnson against the charges of Boon—Instructions to Gov. Tynte—He dies—Gibbes and Broughton contend for the Office—Charles Craven appointed—Exports of the Province—Popularity of Craven—The Tuscarora War—Policy of keeping in England a permanent Agent for the Colony—The People desirous of a change of Government from the Proprietors to the King—Debts of the Colony—Emission of more Bills of Credit—Merchants of London complain—The Proprietors give Trott a veto power in Carolina—Excitement and Complaints of the People—Agents sent to England—The Yamassee War—Craven returns to England—Col. Robert Daniel Deputy Governor.

To the calamities of the ensuing summer, including the pestilence and Le Feboure's invasion, the death of Col. Moore, and the Rev. Mr. Thomas, (who would have officiated in the vacant church at Charles Town), of Mr. Howes and many worthy persons of both parties, was added the news of the adverse decisions in England consequent upon the petition to the House of Lords. The governor with ill-grace abnegating the necessity of obedience to a higher power, and almost fulminating anathemas against Marston and Boon, condescended to tell his Assembly, "when you have passed an act securing the Church of England, then I will join you in repealing the act against dissenters

sitting in Assembly."* But the house proceeded to repeal the objectionable acts, and all others relating to the church from 1697; and in a spirit of moderation prepared in lieu thereof the church act, which continued afterward in force as long as the colony was dependent on Great Britain.† Parishes were formed, means provided for building and repairing churches, and for supporting ministers and encouraging their settlement in the province. Intolerance and civil disabilities against other denominations forever eased, except against Catholics; for any law in their favor would have been repugnant to the laws of England, and beyond the power of the Colonial Assembly to enact. Although some dissenters abandoned the colony through disaffection, and the dispute survived with others in their political views, yet the majority felt obliged to acquiesce in the establishment. Their self-dependence, however, prepared them for vigor and success; and they have continued to this day the most numerous body of Christians in South Carolina.

On the other hand, the essential benefits to the colony arising from the church act, cause us to regret the violent and illegal measures by which it originated. Pious and learned men could now be induced to come to Carolina whenever their services were needed. The number of inhabitants was increasing, but their resources were inadequate for the maintenance of schools and religious instructors. Education and Protestant Christianity are so blended, that a country must be destitute of both if it be long in

* MS. Journals, Nov., 1706.

† 2 Stat., 282.

want of either. By the efforts of Rev. Thomas Bray, the Bishop of London's commissary in Maryland, and from the bounty of the lords proprietors and contributions of the Carolinians, the first public library was formed in Charles Town, and placed by act of Assembly* under the care of the Episcopal minister. [November, 1700.] The Society for Propagating the Gospel sent out missionaries not only to preach, but to "encourage the setting up of schools for the teaching of children."† Their schoolmasters were required to take especial care of the manners of their pupils in and out of school; warning them against lying and falsehood, and evil speaking; to love truth and honesty; to be modest, just and affable; to receive in their tender years "that sense of religion, which may render it the constant principle of their lives and actions." The want of schools, however, was not immediately remedied; and so urgent appeals were made to the society, that in 1711 they established a school in Charles Town under Rev. Wm. Guy. In the previous year, several persons having bequeathed legacies for founding a free school, an act was passed [1712] for this purpose, and soon afterward for extending similar benefits to all the parishes.

The general condition of the colony about this period is shown in the following extracts from a letter dated 17th September, 1708, and signed by Sir Nathaniel Johnson, Thomas Broughton, Robt. Gibbes, Geo. Smith, and Richard Beresford. "We, the governor and council," said they, "in obedience to her sacred

* Journals, 1698.

† See Instructions in Dalcho, 47, 50.

majesty's command and your lordships' instructions, have carefully inquired into the present circumstances of this province," &c.

"The number of inhabitants in this province of all sorts, are computed to be 9,580 souls; of which there are 1,360 freemen, 900 free women, 60 white servant men, 60 white servant women, 1,700 white free children, 1800 negro men slaves, 1,100 women negro slaves, 500 Indian men slaves, 600 Indian women slaves, 1,200 negro children slaves, and 300 Indian children slaves.

"The freemen of this province, by reason of the late sickness brought hither from other parts, though now very healthy, and small supply from other parts, are within these five years last past decreased about 100, free women about 40; white servants, from the aforesaid reasons, and having completed their servitude, are decreased 50; white servant women, for the same reasons, are decreased 30; white children are increased 500; negro men slaves by importation, 300; negro women slaves, 200. Indian men slaves, by reason of our late conquest over the French and Spaniards, and the success of our forces against the Appalaskys and other Indian engagements, are within these five years increased to the number of 400, and the Indian women slaves to 450; negro children to 600, and Indian children to 200.

"The whole number of the militia of this province, 950 white men, fit to bear arms, viz: 2 regiments of foot, both making up 16 companies, 50 men, one with another, in a company; to which might be added a like num-

ber of negro men slaves, the captain of each company being obliged by an act of Assembly, to enlist, train up, and bring into the field for each white, one able slave armed with a gun or lance, for each man in his company; and the governor's troop of guards, consisting of about forty men; the colonel, lieutenant-colonel, captain, cornet, and two exempts, together with nine patrols, ten men in each patrol, to take care of the women and children, in case of an alarm and invasion; French Protestants, and an independent company of Santee, consisting of forty-five men, and a patrol of ten men.

"The commodities exported from this province to England, are rice, pitch, tar, buck and doeskins in the hair and Indian dressed; also, some few furs, as beaver, otter, wildcat, raccoon, a little silk, white-oak pipe staves, and sometimes some other sorts.

"We are sufficiently provided with timber fit for masts and yards of several sizes, both pine and cypress, which may be exported very reasonable, and supplied at all times of the year, there being no frost or snow considerable enough to hinder bringing them down the rivers.

"Other commodities, not the produce of this place, but brought here from the American islands and exported to England, are logwood, braziletto, fustick, cortex, isleathera, tortoiseshell, ambergreese, and cocoa.

"From this province are exported to several of the American islands, as Jamaica, Barbadoes, Antigua, Nevis, St. Christopher's, the Virgin's, Montserrat, and the Bahama Islands—staves, hoops and shingles, beef,

pork, rice, pitch, tar, green wax, candles made of myrtle berries, tallow and tallow candles, butter, English and Indian peas, and sometimes a small quantity of tanned leather.

“ Goods imported from the foregoing islands are, rum, sugar, molasses, cotton, fustic, braziletto, isleathera, ambergreese, tortoiseshell, salt, and pimento; logwood is generally brought from the Bay of Campeachy.

“ We are also often furnished with negroes from the American islands, chiefly from Barbadoes and Jamaica; from whence also comes a considerable quantity of English manufactures, and some prize goods, viz: claret, brandy, &c., taken from the French and Spaniards.

“ We have also commerce with Boston, Rhode Island, Pennsylvania, New York, and Virginia; to which place we export Indian slaves, light deerskins dressed, some tanned leather, pitch, tar, and a small quantity of rice. From thence we receive beer, cider, flour, dry codfish and mackerel; and from Virginia some European commodities.

“ Further, we have a trade to the Madeiras, (from whence we receive most of our wines); also to St. Thomas and Curaçoa, to which places we send the same commodities as to the other islands, excepting pitch, tar, and rice, lately prohibited, which prohibition is very disadvantageous to the trade in these parts.

“ The trade of this province is certainly increased of late years, there being a greater consumption yearly of most commodities imported. And the in-

habitants, by a yearly addition of slaves, are made the more capable of improving the produce of the colony. Notwithstanding its our opinion, that the value of our import is greater (if we include our negroes), than our export, by which means it comes to pass that we are very near drained of all our silver and gold coin ; nor is there any remedy to prevent this, but by a number of honest laborious persons to come among us, that would consume but little, by which means the produce of the country being increased might in time make our exportation equalize if not exceed our importation.

“ That which has been a considerable though unavoidable hindrance to the greater increase of our trade, is the great duty on goods, both imported and exported, occasioned by the debts the country is involved in by the late expedition, in the time of Governor Moore, against St. Augustine, and the charge in fortifying Charles Town this time of war and danger; to which may very justly be added the late prohibition of pitch, tar, and rice.

“ There are not above ten or twelve sail of ships belonging to this province, about half of which number only were built here, besides a ship and a sloop now on the stocks; neither are there above twenty seafaring men who may be properly accounted settlers or livers in the province.

“ There are not as yet any manufacturers settled in the province, saving some particular planters who, for their own use only, make a few stuffs of silk and cotton, and a sort of cloth of cotton and wool of their own growth to clothe their slaves.

“ All possible precautions are taken by this government to prevent illegal trade, the acts of trade and navigation being strictly enforced on all occasions.

“ And now having answered the several queries stated to us by your lordships, in the best manner we are at present capable of, we humbly crave leave to superadd an account of the Indians our allies, our trade and commerce with one another, and their consumption of our goods, together with the present circumstances of Charles Town, and our new triangular fort and platform at Windmill Point, with an account of what provisions we want to make them complete fortifications.

“ The Indians under the protection of his majesty’s government are numerous, and may be of great use in time of invasion. The nations we have trade with are as follows. The Yamasseees, situated about 80 to 100 miles south from Charles Town ; they consist of about 500 men able to bear arms ; they are become great warriors, and are continually annoying the Spaniards and the Indians their allies.

“ To the southward of the Yamasseees are a small nation called Paleachuckles, in number about 80 men. They are settled in a town about 20 miles up the Savannah River, and are very serviceable in furnishing with provisions the Englishmen who go up that river in periangers with a supply of goods for the Indians and bring skins for them.

“ About 150 miles southwest from Charles Town, is settled, on the aforesaid river, a nation of Indians called the Savannahs. They are seated in three towns, and consist of about 150 men. A few miles

distant on the said river, is a considerable town of Indians that deserted the Spaniards, and came with our forces from them about five years past. They are known by the name of Apalachys, and are about 250 men, and behave themselves very submissive to this government. These people are situated very advantageous for trade. Indians seated upward of 700 miles off are supplied with goods by our white men, who transport them from this river upon Indians' backs.

"About 150 miles westward are settled on Ochasee River eleven towns of Indians, consisting of 600 men, among whom are several families of the aforesaid Apalachys. These people are great warriors and hunters, and consume great quantities of English goods.

"About 150 miles west from these people, on the Chocta-kuchy River, there is a town of Indians settled for carrying on trade, who are very serviceable on that account. These people are seated about midway between Ochasee River and the settlements of the Tallabousies and the Attalbanees. They have many towns, and consist of at least 1300 men, are great warriors, and trade with this government for great quantities of goods.

"About 200 miles from the Tallabousies and the Attalbanees westward, lie the nations of Indians called the Chickysaws, who are at least in number 600 men. These Indians are stout and warlike. They are divided part in the English interest, and part in the French. There is a factory settled by

those French about four days' journey down that river whereon the Tallabousies and Attalbanees live.

"We have but few skins or furs from the Chickysaws, they living so distant it will hardly answer the carriage. Slaves is what we have in exchange for our goods, which these people take from several nations of Indians that live beyond them.

"The Cherokee Indians live about 250 miles northwest from our settlements, on a ridge of mountains; they are a numerous people, but very lazy; they are settled in 60 towns, and are at least 500 men. The trade we have with them is inconsiderable, they being but ordinary hunters and less warriors.

"There are several other nations of Indians that inhabit to the northward of us; our trade as yet with them is not much, but we are in hopes to improve it very shortly.

"From the aforesaid several nations of Indians are brought and shipped for England, one year with another, at least 50,000 skins; to purchase which requires at least £2500 or £3000—first cost of goods in England. The goods proper for a trade with the Indians are English cottons, broadcloth of several colors, duffels blue and red, beads of several sorts and sizes, axes, hoes, falchions, small fusee guns, powder, bullets, and small shot.

"St. Augustine, a Spanish garrison, being planted to the southward of us about 100 leagues, makes Carolina a frontier to all the English settlements on the Main. . . ."*

* The remaining portion of this interesting Report, about the condition of the fortifications of Charles Town, was given in part on p. 207.

Two years subsequent to this report, [1710], the whites in the colony were computed to be .12 of the whole inhabitants, Indian subjects .66, and the negro slaves .22; of the whites again the planters were .70, merchants about .13, and artisans .17; with respect to religion the Episcopal party were .42, the Presbyterians, including the French who retained their own discipline, 45, the Anabaptists .10; and the Quakers about .03.*

The prices of daily labor in currency of the colony, (at that time nearly equal to sterling,) were for a tailor 5*s.*, a bricklayer 6*s.*, a cooper 4*s.*, a weaver 3*s.*, a shoemaker 2*s.* 6*d.*, a smith 7*s.* 6*d.*, carpenters and joiners from 3*s.* to 5*s.*, a laborer from 1*s.* 3*d.* to 2*s.*, with food and lodgings. Overseers of plantations got from £15 to £40 per annum; and persons engaged to trade with the Indians, from £20 to £100 per annum.

The taxes were raised for extraordinary purposes from real and personal estate, and generally from imports of wines, liquors, sugar, molasses, flour, biscuit, negro slaves, &c.; dry goods imported paid three per cent., and deerskins exported 3*d.* per skin. The duties amounted to about £4,500 per annum, which was then £1,000 more than the annual expenses of the government.

These expenses consisted of £1,000 for ten Episcopal ministers; the same for finishing and repairing fortifications; £600 for officers and soldiers in garrison; £300 for military stores, £250 for the gover-

* See Glenn's Description; 2 Carr. Coll. 248, et. seq.

nor, and £400 for incidental charges. The overplus was intended for sinking the bills of credit.

These bills* were first struck for six thousand pounds after the unsuccessful expedition against St. Augustine, [1703], and bore twelve per cent. interest. To offer them in payment was a legal tender, and if refused the creditor lost his claim for the debt. But such refusal never occurred, for the paper was hoarded for the sake of the interest. An addition of several thousand pounds were stamped, and the "old currency" exchanged for the new, which was without interest, for the purpose of throwing the bills more in circulation, and to save the treasury from accumulating demands. Notwithstanding this change the bills remained at par, until the subsequent issue of very large amounts caused their depreciation.† There was little English coin in circulation; and various values in colonial paper currency were attached to German, Peruvian, Mexican, French, and Spanish pieces of gold and silver. To prevent the confusion

* 2 Stat. 210.

† These bills were indented to prevent counterfeits, and were at first of denominations from 50s. to £20, paid out of the treasury to creditors and claimants against the government, receivable for taxes, &c. They were issued by the Assembly, [1703] "following the examples of many great and rich countries, who have helpt themselves in their exigencies with funds of credit, which have fully answered the ends of money." They were to be called in and cancelled, in a short time, by money raised by assessment on real and personal property. The money so obtained was absorbed in preparations to defend the province against the French and Spaniards, and the bills of credit continued till 1707, and then augmented and continued, the Assembly still "helping themselves in their exigencies." How great those exigencies were will be hereafter seen. Consult 2 Stat., Notes, pp. 708-713.

arising from the different rates at which these pieces passed in the different colonies, a uniform value was attached to them by a proclamation from the mother country in the sixth year of Queen Anne's reign. [1707.] Hence the denomination of "proclamation money," the standard of which was £133 6s. 6d. paper currency for £100 sterling.

The commerce between South Carolina and England employed on an average twenty-two vessels. [1710]. The manufactures and slaves imported were only in part paid for by returns of colonial produce. The balance was required by the merchants in specie, and exchange sold in Charles Town at fifty per cent. premium, and year after year still higher. But the Carolinians held a monopoly of rice, and it was soon raised to four times its former price, and other produce in proportion as the currency depreciated. The merchants of London began now to become a new and important power near the throne, ever watchful of the embarrassments of Carolina, and prompt to complain of the maladministration of the lords proprietors.

The planters sowed rice in furrows eighteen inches apart, about a peck to an acre, with a yield of thirty to sixty bushels. It was cleaned by mills turned by horses or oxen. The lands, after a few years culture, lay fallow, and were esteemed excellent pastures. The usual produce of corn to an acre was from eighteen to thirty bushels, with six bushels of Indian peas sown among it. Some planters had a thousand head of cattle. Two hundred was a common herd. Swine were raised in great numbers. Orchards of peaches

and apples and various fruits, forests of acorns, and mild winters, rendered Carolina more abundant in stock than any other English colony.

The experience of forty years among an energetic people had drawn from forest, field, and stream, the same means of subsistence which we now enjoy. All the arts of peace were introduced, and education and religion had become matters of public concern. But wars and pestilence, tempests and inundations, had not spared them; and the noise of political strife, which disturbed the slumbers of their childhood, had now attuned itself to sounds not unpleasant to their ears.

The faction that had been formed for specific purposes, after the death of Gov. Blake, and transmuted, says Archdale, by Johnson's "chemical wit, zeal, and art,"* into a religious and high church party, (thereby obstructing that enlargement of liberty originally intended in the "scheme laid by the Earl of Shaftesbury," &c.,) now fell asunder, when the period naturally arrived for reflection and reaction. They had accomplished in some measure their object; their power had been fluctuating, and no new policy was held in view for a continuance of their organization and energy. The elements of opposition were as little concentrated; but nascent forces were already operating, which finally resulted in a combination of both parties, and a total change in the form of government.

During the distraction at the capital of the pro-

* Description, &c., pp. 110-112.

vince, and the confusion spread everywhere by the war against France and Spain, the traders among the Indians had lorded it with a high hand, and their abuses now occasioned fresh trouble and alarm. The Assembly determined to remodel the whole plan of conducting the trade. Commissioners were created with full powers, executive and judicial, to settle without delay all difficulties. The customary presents from the Indians, for which they expected special favors, went to the public treasury, and an equivalent was proposed for the governor in lieu of these perquisites. Johnson demurred; it was his only "considerable source of income;" were not his services in the recent invasion "sufficient to excite their gratitude and liberality?" The Assembly then sent a bill for his approval, designed in good faith and for the public welfare to prevent tumults at elections; which he also rejected as contrary to instructions, and instantly proclaimed the dissolution of the Assembly.

But his influence was passing away; and notwithstanding a renewal of devices, and the circulation of letters and reports against the "Presbyterians," that if elected they would bring the "French" most certainly "under Pharaoh's bondage,"* still an independent house was returned, and Trott and Rhett failed to secure for the party clique a single member of their choice. These gentlemen had become extremely unpopular. Connected by marriage, united in policy, talented, ambitious of leading the people,

* MS. Journals.

correspondents with the proprietors or their secretary, holding under them high offices of profit and trust, and withal haughty and overbearing, they would persist in taking the reins like Phaeton, even at the risk of setting the heavens on fire. For seven years they had in a great measure ruled the province; and when the people deserted them the proprietors did not, and they retained always a degree of power despite the popular complaints against them. To their efficient aid also the church establishment was chiefly indebted, and there was no hope of reversing the measure under the charter or the crown. But the new Assembly, [June, 1707], was disposed to be quarrelsome, and began by resolving that Rhett "should not be longer sole commissioner for the fortifications," and requesting to be informed how Trott obtained his position as deputy in the council, and that he be removed, as they were not officially notified how Nicholas Trott, Esq., of London, had become proprietor.

Gov. Johnson replied that Clarendon's share had been assigned to Sothell, who died, and Amy had been elected to fill his place; that Amy, as a marriage portion for his daughter, whom Mr. Trott, of London, espoused, had assigned said share to him, and he had appointed his cousin the chief-justice of Carolina to be his deputy. The commons were not satisfied; and desired proof that the other proprietors had sanctioned the claims of Mr. Trott, of London; and declared the chief-justice "an unfit man for any public commission or office." They sent Mr. Berrisford, under their authority, to the Savannah Indians.

At this the governor became indignant, as a slight to himself: he and his council alone having power to make war or peace. They next elected a receiver. If the proprietors or their deputies, said they, claim to appoint this officer under the charter, they can as well claim to appoint the speaker of the Assembly. Was it not strange that the greater power of disposing of the public money was in the people, and the lesser power, incidental to it, of choosing the receiver of the money, should be denied them? They proceeded to nominate Col. George Logan for the office. The governor violently objected; in response, they unanimously elected him. They appointed a committee on grievances, and sent their report to the Queen of England. They prepared specific charges against Trott, and desired the governor and council to displace him from his office of judge, and that he be tried at court upon the charges. "The whole body of the people have such an aversion against him, upon just grounds, that they will neither bring their actions nor serve as jurymen, until he be either punished or legally cleared of what is laid against him."* Johnson refused to remove him, as unprecedented and contrary to law, and wished the house to impeach him before the council. But they preferred to have him tried before some judge appointed in his place; while Trott, on the other hand, declared that he could only be tried in England before the proprietors from whom he held his commission. Will it add to the picture of these angry times to bring to the bar of the house, if a deputy can be brought

* MS. Journals.

there, Col. Risbee, author of the act against dissenters, on a charge of villifying the Assembly while over his bottle of wine in a tavern? But the governor saw, or was advised to see, that a compromise was necessary to allay the increasing excitement. Logan having resigned his office, that no personal objection to himself might embarrass the Assembly, the governor yielded on his part, and passed a law which asserted the right of the house to elect the receiver. They allowed the governor £400 for relinquishing his Indian perquisites, besides £100 per annum; and at length sufficient harmony was restored for proceeding with enactments which the public interests demanded.

Had not the state of parties been so unsettled, Johnson would long ago have dissolved this refractory house of representatives. When again he was obliged to summon them by proclamation, to consult upon some threatened invasion of the Savannah Indians, [February, 1708], he requested them in the first place to rescind from their Journals certain complaints against himself; and they answered that they did not consider themselves legally convened, because Trott's name on the proclamation just completed a quorum of the council, and they did not recognize him as a deputy. The governor had recourse to his favorite reply, "it is none of your business." Only after repeated and earnest solicitation, did the Assembly apply themselves to the consideration of the exigencies of the province.

The next Assembly, with Risbee at its head, were more in his favor. Many changes had occurred.

Lord Granville was dead; Lord William Craven chosen palatine; and Col. Edward Tynte commissioned governor of the two Carolinas. [December 9, 1708.] Boone before leaving England, not content with the success of his petition, had presented a memorial to the proprietors against Sir Nathaniel Johnson, representing him as the author of all the calamities of the province, and that through his evil administration it had nearly been lost to the enemy. This unworthy memorial being sent to Johnson for his vindication, he threw himself for an answer upon the justice and generosity of the Assembly. They knew all his acts—many of them had been participants of his secret counsels—he would not deny but that as a man, and a man almost worn out by age and infirmities, he had committed errors; but could they, from their knowledge, affirm the calumny of dereliction to his trust and treachery to those whom he had so long served. He begged them to call Mr. Boone before them, and challenge him to substantiate the charges he had made in England, where he knew there was no opportunity for immediate refutation and acquittal. Boone being made a deputy by Madame Blake, guardian of the young proprietor, refused to obey the summons of the house. They pronounced his accusations “false and scandalous;” and their generosity prompted them to the most complimentary addresses in behalf of the aged knight, who had defended them in the hour of danger, and must soon resign his power into other hands.*

* Sir Nathaniel Johnson died and was buried, in 1773, at his plantation “Silk Hope,” near Charles Town. He devoted much attention to

*Col Edward
Dynter*

The attention elicited in England to the fortunes of the Carolinians and other colonists, was further increased by the publications of Archdale and Oldmixon. Lord Craven, by nature more moderate than the late palatine, was anxious for the prosperity of his province. When the governor selected by him entered, after a long delay, upon his duties [Feb. 1710], he was addressed as follows: "We earnestly request your endeavors to reconcile the minds of the inhabitants to each other, that the name of parties, if any yet remain amongst you, may be utterly extinguished. For we can no ways doubt but their unanimous concurrence with our labors for their prosperity will most effectually render Carolina the most flourishing colony in all America."* No remarkable events occurred during his short term of office. An act was first passed for the opening of a free school; the town of Beaufort was ordered to be laid out, and so named in compliment to the Duke of Beaufort, who had become a proprietor in the place of Lord Granville; the immigration of German Lutherans, many of whom had taken refuge in England from oppression in their native country, was encouraged by offering 100 acres for each man, woman, and child, free from rent for ten years, and then for 1d. an acre yearly; to those who came, lands were assigned, chiefly in North Carolina; the suppression of the illegal trade by which rice was carried first to Rhode

agriculture and the manufacture of silk, specimens of which he presented to the proprietors as early as 1699. For all the records (copied from the Journals) relating to Boone's memorial, see Dalcho's Church History, 80-89; and Ramsay, 2, p. 479.

* MS. Notes.

Island, and thence in New England vessels to Portugal, and other countries forbidden by British acts of trade; the designs of the French who, settling on the Mississippi without hindrance, began to be more formidable rivals than the Spaniards; these events, and regulations for the improved management of the details of the church establishment, occupied the attention of Col. Tynte.

When he died, in the summer after his arrival, it happened that only three deputies, Gibbes, Broughton, and Turbeville, were in the province. Robert Gibbes was chosen and proclaimed governor. But Turbeville died suddenly on the day of election; and it was discovered that he had voted in the morning for Broughton, and that his vote for Gibbes, at the adjourned meeting held in the afternoon, had been obtained by bribery.* Col. Broughton immediately claimed the government; and collecting his friends and partisans at his plantation, they marched with arms to town, with the determination to sustain his claim. Gibbes fired an alarm and ordered out the militia. At the approach of Broughton's party, the drawbridge was raised, and they were denied an entrance unless they acknowledged Gibbes to be governor. After attempting in vain to effect an entrance at other points, they returned to the drawbridge and found a number of sailors and citizens collected there, who also favored Broughton, and who succeeded, after a slight affray, in lowering the drawbridge and admitting their friends. They proceeded then to the guard-house, where they found two companies of

* Ramsay, 1, 54; from MS. of Mr. Lamboll.

militia posted, before whom they halted, while one of them began to read a manifesto, but was balked by the beating of drums. After much parading, and occasionally a show of violence by both parties, Broughton was proclaimed governor by his adherents. But mediators were not wanting, who succeeded in bringing about a compromise, by which Gibbes retained the office until the lords proprietors should determine who should be governor.* They determined, however, that Gibbes was guilty of bribery, and entitled to no salary for his services; and Charles Craven, secretary of the province and brother of the palatine, received their commission for the office.

Gibbes was thoroughly acquainted with the affairs of the province, and Tynte had held in abeyance a commission for him as chief-justice in place of Nicholas Trott. Although led into a fatal error in coveting the gubernatorial dignity, his administration is marked by wise enactments and the undisturbed prosperity of the people. He was not, however, popular, and found the Assembly full of "unwilling members," who continued "very dilatory for six months," and a quorum for business could not finally be brought together. Another Assembly being elected, [May, 1711] (in which many still refused to qualify,) he expressed his gratification at meeting them before his retirement; "there was one among them," he said, "to whom he should readily resign the government whenever legally demanded;" they had had no complaint against him in the various offices in which he had served them, and he had

* Letter of Proprietors, Dalcho.

received from the palatine congratulations on his recent election; for 48 years he had been in the service of Carolina, [from 1663?] and left it in a flourishing condition, "abounding with great trade* with almost all parts of America, and most parts of Europe in amity with us, and some parts of Africa;" and he recommended particularly to their attention the introduction of white immigrants, on account of the large increase of negroes, who were beginning to exhibit a malicious disposition; and the necessity of separating those sick of small-pox, now prevalent in Charles Town, from contact with such as were not infected. Although expectations were entertained of the termination of war in Europe, Governor Craven's first endeavors were directed to strengthen the province and cultivate the good-will of the surrounding Indians. Since the days of Joseph West

* Referring to what was said of this trade in 1708 and 1710, we add the following statistics from MS. notes by Chalmers, from the State Paper Office in London; two large volumes of which were kindly placed in my hands by Hon. George Bancroft, to whom I am also indebted for other favors.

The prime cost of imports into South Carolina from June, 1712, to December, 1713, £25,420 15s. 6d. Exports during the same time—(the Tuscarora war and foreign hostilities existing): Deerskins, 73,790; Indians [to northern colonies], 75; rice, barrels, 12,677; rice, bags, 200; pitch, barrels, 4,580; tar, barrels, 2,037; tallow, quarter-barrels, 29; beef, barrels, 1,969; pork, barrels, 1,241; garlick, barrels, 37; oil, barrels, 29; snake root, barrels, 5; salt fish, barrels, 6; sugar, hogsheads, 6; soap and candles, boxes, 76; sides of leather, 1,965; logwood, tons, 143; cocoa and sweetwood bark, —. Large quantities of salt [?] imported, and lumber exported. In 1714, lands, negroes, stock, merchandise, and all other taxable values in the province, were, by assessment, computed at £739,763; in this amount is the value of 10,000 slaves at £20, their average value at this time. For 1719, and four years after, the prime cost of imports were never less than £120,000 per annum.

no man more wise, pure, and capable, or more beloved by the people, had been appointed to govern Carolina. "However great such an honor might be," said he to the commons, [April, 1712] "yet I shall look on it as a greater glory, if with your assistance I could bring to pass so noble designs as the safety of this province, the advancement of its riches, and what is more desirable than unanimity and quiet that will so much contribute toward rendering this the most flourishing country on the Main." "To what a prodigious height hath the united provinces risen in less than a century of years, to be able to create fear in some, envy in others, and admiration in the whole world."

The spirit of this address aroused a congenial spirit in the Assembly. Fifteen hundred pounds were voted for erecting a suitable state-house, and a thousand pounds for a residence for the governor. Unparliamentary altercations ceased. Elections were conducted with fairness and decorum. Party strife gave place in a remarkable degree to emulation for the public welfare; the governor declaring the "greatest tenderness" toward all dissenters, and that nothing should ever be done by him to deprive them of their liberties. By his instructions he was enjoined to overlook the courts, and take especial care that justice should be administered and the laws executed without delay. Chief-Judge Trott was now seeking relief from political agitation in the quiet labors of compiling the laws of the province; and the Assembly reviewed and enacted the whole body of English statutes applicable to their rights

and liberties as subjects of Great Britain. Col. Rhett, as receiver-general for the proprietors, commissioner for the inauguration of free schools, for the state-house and a governor's house, the granting of licenses, and in other public employments, together with a quarrel with Craven which the proprietors had to decide, found some slight occupation for his restless energy.

The canceling of the debts of the province was often attempted ; but from limited resources, a long duration of peace was requisite for this purpose. While again contriving the means of payment, the debts were still further increased by the sudden demand for help against the Indians who had risen upon the inhabitants of North Carolina.

In the autumn of 1711, John Lawson, surveyor-general for the proprietors, had marked out certain lands near the Neuse River, claimed by the Tuscaroras, who seized him and put him to death. Being fearful of the consequences, and suffering from such grievances as all Indians living near the whites endured, they were hurried into the design of a wide-spread massacre ; and on the night of 22d September, suddenly attacked the settlers in detached parties and massacred 130, flying like demons from house to house, and slaying men, women, and children.

Assistance was asked from South Carolina in this emergency. The Assembly was immediately summoned, and with "unanimity in aiding their distressed brethren," resolved to raise £4,000 for the purpose, and to send a body of Indian warriors, with efficient

officers in command.* Col. John Barnwell accordingly set out with all expedition, and the Assembly appointed a day of humiliation and prayer in their behalf. [Friday, 16th November.] With a small number of whites, and numerous friendly Indians, Cherokees, Yamassees, Creeks, Catawbas, Wingaws, Esaws, and others, who were ever ready for contests and spoils, Col. Barnwell marched through the intervening wilderness, and crossed the Neuse river on 28th January. He succeeded in killing and capturing many of the enemy, and at length came upon their stronghold, a town surrounded with a wooden breast-work, where 600 warriors waited to receive him. Here being in want of provisions, he determined to grant the enemy a treaty of peace, which was willingly concluded. He sent to Charles Town for a sloop to convey his disabled men and himself, who was also wounded, while his allies retraced their line of march homeward.† [July, 1712.]

Col. Barnwell had pleased neither the authorities nor people whom he went to assist, and he sullied the reputation of what he had achieved for them, by leaving his allies not sufficiently restrained from committing depredations as soon as his face was turned.‡

* MS. Journals.

† His Letter to Gov. Hyde.

‡ See Williamson's N. Car. for other particulars of this war. The second expedition would no doubt have been entrusted to Col. Barnwell if he had not been sick from the injuries he received, and unable to mount his horse. Both Hyde and Spotwood seem too severe in blaming him entirely for the massacre after the treaty; the latter of whom wrote to the Board of Trade, July, 1712—"These massacres were owing to the treacherous conduct of Barnwell, who, after he had made a peace, and they looked on themselves as secure, he surprised some towns and carried

Consequently, while the North Carolinians trusting in the treaty were enjoying their first peaceful slumbers, a second massacre began with its whoops and yells, and bloody tomahawks, and the whole country was re-ekindled with the blaze of war. Again South Carolina was summoned to the field; the forces were ordered to rendezvous at the Congaree, and Governor Craven went up to encourage them and inspect their equipment. [December, 1712.] Col. Moore advanced with 40 whites and about 800 Indians, and after a toilsome march encountered a large force of the Tuscaroras, who had fortified themselves on the Taw River, and were well provided with arms. Col. Moore laid siege, and in a few hours became master of the fort, killing 200, and capturing 800 of the enemy, who were claimed by his allies as a reward for their services, and sold into slavery on their return into South Carolina. Col. Moore received the thanks of the next Assembly, "his good conduct having repaired the faults of others," and was voted £100 in addition to his pay, as a reward for his success.*

The important policy was at this time adopted of maintaining, on behalf of the legislature, a permanent agent in London to solicit the interests of the province before parliament, the proprietors, the Board of Trade, or "any other power or persons." Landgrave Abel Kettleby was appointed, [May, 1714],

off a great many captives; so entailed a new war, and sailed with his prisoners for So. Ca., and the massacres immediately ensued." Yet it is well to hold an officer responsible for the conduct of his men, even if they be a heterogeneous mass of savages.

* Journals, Nov. 1713.

with a salary of £200.* The Assembly petitioned the House of Commons for permission to export rice directly to Spain and Portugal. Peace had been established in Europe. Queen Anne being succeeded by George I., the proclamation and oaths of allegiance were not made with the indifference formerly so remarkable in the colony, but with the ardor of those almost in sight of their monarch, and from whom they looked for relief and happiness. Indeed, in their warmth of loyalty they forgot all attention to climax. "We a people," said they, "separated by the immense ocean, can't be blessed with your royal presence. But like the sun who sheds his glorious beams on all, we may feel the favorable influence of your government. Like Augustus, may your reign be long in peace; may you be loved at home and feared abroad; and when Providence calls you from that earthly diadem that now environs your royal head—may there never be wanting, even to latest posterity, one of the illustrious house of Hanover to fill the British throne."†

Chief-Justice Trott was in England by permission of the proprietors. His salary continued as usual, and his office was temporarily supplied. His power in Carolina was greatly augmented by the favor he won in his personal intercourse with the proprietors. Col. Rhett also was again speaker of the Assembly, and received an additional office from the proprietors, as collector of the customs.

Hurricanes had partly demolished the fortifications

* 2 Stat. 621.

† February, 1715: Journals.

of the harbor; the expenses of the war against the Tuscaroras, of which it had been hoped the proprietors would pay a portion; the supporting of look-outs and garrisons; all the extraordinary debts incurred since 1702, and the impracticability of defraying the increased annual expenses of government, except by raising the amount of taxes, had induced the Assembly to pass an act by which £52,000, in new bills of credit, were issued, to which the character of bank bills was attached. The object was to sink the former bills by £4,000 per annum, and to encourage trade and commerce; which it did, as was afterward declared, by the evident increase of shipping and of slaves, while it injured no man, and secured the public credit.* This "bank act" excited the remonstrance of the London merchants, and the proprietors severely censured Governor Craven for its enactment. At the same time their confidence in Trott, (who was now deputy for Sir John Colleton,) produced an injudicious order that henceforth the governor and four councilors should not have power to pass bills into laws unless Trott was one of the quorum! "A power in one man," said Craven, "not heard of before!" "An exorbitant power," replied the Assembly,† "unheard of in any of the British dominions, or for aught we know, in the whole world!"‡ Mr. Speaker Rhett dissented (but was not allowed by the house to record his dissent,) to this address,

* Report of Committee, February, 1715.

† They required that Mr. Trott should exhibit this strange letter of the proprietors, and it was accordingly read to them.

‡ Journals.

which contained also a hope that Craven would not resign, through an opinion of losing, by misrepresentation, the confidence of the lords proprietors: "We can't but admire that any person acquainted with your acceptable administration should be so far forsaken of all divine influences—should so abandon his reason—and so diametrically contradict the common sense and the unquestionable experience of the much more general sentiments of the whole province, as to attempt so unjustly to misrepresent your honor to our lords proprietors."

The Atlantic was again traversed by complainants, Boon and Berrisford, sent to apply for redress from the proprietors against the veto power of Trott, and his appointment at will of provost-marshals of courts; for settling the price of lands on a lasting foundation; for the bank act; for Craven's continuance in office; for printing the laws of the province; for establishing county courts in every county; for laying out Beaufort in lots, at the disposal of the governor; and with discretionary authority to confer about any other topic; "and in case the proprietors do not redress our grievances, after all necessary measures have been taken with them, we direct you to apply yourselves to a *superior power* in order that the same may be redressed."

The Yamassees had deserted the Spaniards, who had executed some of their chiefs; and with apparently an implacable hatred against their former friends, removed to South Carolina, to the territory lying near Port Royal, a part of which is still called the Indian Land. During the whole of Queen Anne's

war they were faithful allies of the Carolinians. Continually, marauding bands went forth to the southward, to lurk in the woods near St. Augustine, or make a midnight attack on some unguarded house. The honor of the party was at stake, if they returned without scalps, Indian slaves, or Spanish captives, whom they put to death with every revolting inhumanity of savage torture. The Carolinians offered them a reward of five pounds for every Spanish prisoner brought unharmed to Charles Town, whom they returned in safety to their friends, charging upon their government the expenses of their ransom.

The commissioners of the Indian trade,* on the establishment of peace, were not remiss in endeavoring to do justice to all the Indians, and restrain the abuses of the traders. Besides occasional encroachments on lands in the vicinity of the English settlements, these abuses consisted of fraudulent transactions in buying skins and captives, the seizure of Indian property in either true or alleged cases of debt for various articles of traffic, contraband rum included—all which were sold at exorbitant prices—the wrongful detention in bondage of many who claimed to be free, or whose relatives claimed freedom for them, personal ill-treatment, immoralities, the instigation of feuds, and the threatening of destruction against towns and small tribes.† But the nature of many abuses, and the reluctance of seeking a formal trial before commissioners, perhaps hun-

* Charles Hart, Izard, Eveleigh, Berrisford, Middleton, Wigington, and other able gentlemen, at various times.

† MS. Book of Indian Affairs, 1710-1718.

dreds of miles away, rendered impossible the complete adjustment of difficulties, however wise the laws might be that were made for this end; while, on the other hand, anxiety on account of debt, retaliation for injuries, cherished enmities, and a thirst for bloody revenge had not wholly ceased to exist at any period throughout a long series of years. Whatever were the grievances of the Yamassee, it was evident that they had been encouraged by the intrigues of the Spaniards; for on the day they began their outbreak against the English, they sent all their women and children to St. Augustine for protection, and on their defeat retreated thither themselves with scalps and plunder, and were received as in triumph with the ringing of bells and salutes of artillery.*

For a long time before the war began, it had been noticed that the chief warriors of the Yamassee made frequent visits to St. Augustine, and returned with presents of hats, and jackets, and coats, all trimmed with silver lace, and with knives, hatchets, firearms, and ammunition.† They partook of food with the governor, and confirmed by ceremonies their friendship and allegiance. Yet so sure were the Carolinians of the antipathy of the whole Yamassee nation against the Spaniards, that they anticipated no danger to themselves. It was customary for the traders to court the favor and protection of some influential chieftain among the Indians. With them no danger, difficulty, or personal sacrifice could thwart the holy claims of friendship. Sanute became the

* Report, &c., 2 Carr. Coll. 354.

† Hewit, 192.

friend of John Fraser, a Scotch Highlander, who lived and traded among the Yamassees. Sanute had been to St. Augustine, and on his return he brought some sweet herbs to his friend's house, and bruising them in a basin of water, requested the privilege of washing therewith the face of Mrs. Fraser, as a testimony of his sincere friendship; and placing then his hands upon his breast, assured her that all in his heart she should for the future know. About nine days before hostilities began, he appeared again in her presence, and told her a terrible slaughter of all the English was determined upon, and would take place as soon as the bloody stick, the emblem of war, should be returned by the Creeks, who with themselves, the Cherokees, and many other nations, were uniting with the Spaniards, who had assured them that though peace now existed, yet soon war would be declared by Spain against the English. Sanute then urged her and her husband to fly with their child in all haste to Charles Town, and offered them the use of his own canoe. Placing his hand upon his heart he declared he had told them all he knew; if still they would not go, he promised to save them from torture by claiming the last office of a friend, in taking their lives with his own hands. Fraser doubted; but his wife being terrified, he hastened with her and most of his effects to Charles Town, unfortunately without communicating to others the intelligence he had received.

Intimations of approaching danger were spreading through the province. Gov. Craven dispatched Capt.

Nairn* and Mr. John Cochran, gentlemen well-acquainted with the Indians, to know the cause of their discontent.† They visited the chief warriors at Pocotaligo, and offered speedy satisfaction for any injuries of which they might complain.‡ The Indians feigned a friendly disposition, and that night prepared a good supper for their visitors. But at break of day, the massacre was begun. [April 15, 1716.] The round-house or council-room was beset. Capt. Nairn, John Wright, and Thomas Ruffly murdered; Mr. Cochran, his wife and four children, were at first kept prisoners and afterward slain; Seaman Burroughs, a strong and active man, rushed through the midst of the assailants and escaped, wounded through the cheek. Swimming the river, and running several

* Capt. Nairn, when a member of the Assembly, in 1708, was arrested by Gov. Johnson for treason, on a charge of plotting to put the Prince of Wales on the throne in place of Queen Anne. He was charged with preparing a map of the Indian territory, and transmitting it privately to England, &c. I believe the action was dropped, explanation of his conduct being given. Subsequently, Landgrave Thomas Smith was arrested for treason by order of the house. The proceedings are on the Journals, but it does not appear that a trial ensued.

† The last entry in the MS. Ind. Book, preceding the war, is dated 12th April, 1715. Mr. Samuel Warren informed the Board, that the Palachocola Indians (on Savannah river,) told him the Creeks were dissatisfied with the traders among them, particularly John Jones. Having complained without redress, they were determined at the next affront from the traders to "dowm with them, and so go on with it." Mr. Wm. Bray having gone to St. Augustine after some of his slaves, a Yamassee came to his wife, saying he had a great matter to tell her; that the Creeks had a design to destroy the traders, and then fall on the settlement; it was very near, but his love for her and her two sisters induced him to warn them, and when he should next appear before them they must immediately escape to their town. Mr. Warren was dispatched to invite the disaffected Indians to a conference, &c.

‡ Account, &c., from letter of Craven; 2 Carr. Coll., 570.

miles, he gave the alarm to the planters in the neighborhood of Port Royal. In the mean time, the houses of all the traders and other whites in Pocotaligo were assaulted, and more than ninety persons there and on adjacent plantations fell victims to the fury of the savages.

The Indians divided themselves into two parties, one attacked Port Royal, the other St. Batholomew's.* Fortunately, a merchant ship happened to be in Port Royal River, on board of which Rev. Mr. Guy, with most of the inhabitants of St. Helens, about 300 in number, took refuge, by the timely warning of Mr. Burroughs. While only a few families were here massacred, in St. Bartholomew's about 100 Christians fell into the hands of the Indians, who came down as far as Stono, burning churches and houses in their way. The Rev. Mr. Osborn, and as many as had time to flee, escaped to Charles Town. Mr. Bray, his wife and children, and several others, finding friends among the Indians were spared; but while attempting to escape, were all put to death.

Governor Craven, in the meanwhile, had collected a troop of horse, and accompanied by a party of volunteers, set out for Pocotaligo for the more satisfactory settlement of disputes and disorders, for the inquiry into which he had sent forward Captain Nairn. Hearing on the way of the conspiracy and massacre, he gathered as many men as he could in Colleton, and at the head of 240 marched directly against the enemy, after dispatching a courier to Col. Mackay,

* Humphrey's Account, &c.; 2 Carr. Coll., 548.

with orders to raise immediately what forces he could, and to proceed by water to meet him at the Yamassee town. The governor halted for the night near the Combahee River, within sixteen miles of the enemy's town, and was attacked early next morning by about 500 of the Yamasseys. Notwithstanding the surprise, he soon put his men in order, and after an engagement of three quarters of an hour routed the enemy, with the loss of only one sentinel killed and a few men wounded; while of the Indians, besides the wounded, some of their chief leaders were slain. Being without guides for crossing the river, and observing the great number of the enemy, he returned to Charles Town.

Col. Mackay, in pursuit of his orders, on his part surprised the Indians, and drove them from their town, in which they had stored up vast quantities of provisions and plunder. While in possession of the town he learned that the enemy, 200 in number, had posted themselves in another fort, and he sent 140 men to attack it. At this time "a young stripling, named Palmer," who had been out on a scout with 16 men, came to Mackay's assistance, and at once scaled the walls and attacked the Indians within their trenches, but was forced to retreat; yet a second time he effected an entrance with his men, and completely drove the enemy from the fort, who fled but to be shot down by Col. Mackay's forces.*

While the activity of the Carolinians checked the incursion on this quarter, a body of about 400 In-

* Account from Craven's letter, &c.

dians, from the northward, came down toward Goose Creek. A party of them entered Mr. John Herne's plantation, near the Santee, and after being hospitably entertained with provisions, treacherously murdered him, and began their depredations. Upon news of this Capt. Thos. Barker, collecting ninety horsemen, advanced to meet them. Trusting to an Indian guide, he was led into an ambuscade in a difficult thicket of trees and bushes, where the enemy lay concealed on the ground. The Carolinians had advanced into the midst of them before they were aware of any danger. The Indians springing from their lair, and pouring in a volley, instantly killed Capt. Barker and several of his men, the rest in disorder struggled into a retreat. So great was now the panic, that while the enemy were hastening down to Goose Creek, almost the whole parish were fleeing toward Charles Town. There was however one plantation, where seventy white men, with forty negroes, had thrown up a breast-work, and resolved to defend themselves at all hazards. The Indians, though assaulting them in vain, discouraged them by their numbers, and they rashly listened to proposals for peace, and unwarily permitted their fort to be surprised. Only a very few escaped the horrid butchery. But while the savages triumphantly marched onward they were met by Capt. Chicken, [June 13th] and the Goose Creek militia, who, after a long and obstinate engagement, defeated and drove back the Indians, and thus secured the province in this direction.

Plantations and settlements were deserted beyond

twenty miles of Charles Town. Those who daily sought safety by flight brought more and more alarming rumors to the capital. No hopes were now entertained of assistance from the Catawbas, the Cherokees and the Congarees—all were connected with the formidable conspiracy from St. Augustine round to Cape Fear. Many began to anticipate the total destruction of the colony,* for while the enemy could number from 8 to 10,000 warriors, there were on the Carolina muster roll but 1200 men fit to bear arms. Yet Craven, relying upon the defenses of Charles Town, determined to send the forces into the wilderness to meet the enemy upon their own battle ground. He summoned the Assembly, [May 6th] : "Expedition is the life of action," he said; "bring the women and children into our town, and all provisions from all the exposed plantations; try to secure some of the Indians to our interests; garrisons and military stores must be provided; Virginia and New England must be solicited for arms and aid."† During Craven's previous absence he had appointed Col. Daniel, deputy governor, by whom martial law had been proclaimed; forces, arms, and the necessary stores provided by impressment, and an embargo laid on vessels in port; all which acts were now confirmed by law, and ample powers were in addition granted for the strenuous prosecution of hostilities by the governor and council.‡ In this time of danger the lives and fortunes of the Carolinians were unhesitatingly offered on the altar of patriotism. Francis Holmes was selected as the agent

* A Narrative, &c.; 2 Carr. Coll., 145.

† MS. Journals.

‡ 2 Stat., 623.

to New England to purchase arms, and Capt. Meade placed his vessel at the public service. Lt.-general James Moore, Cols. John Barnwell and Alexander Mackay, were chosen to head the forces. The members of the Assembly then adjourned till August, as they were required, without delay, to resume their military duties.

The Yamassees, though joined by the Apalachees, were forced from their country and beyond the Savannah River. They took up their residence in Florida, and being encouraged by the Spaniards continued to infest Carolina in small parties, and to wreak their malice on such unfortunate persons as they could capture. But the province was now defended by a cordon of garrisons, and rangers were ever on the alert for a skirmish. Through the agency of Arthur Middleton an agreement was made with Gov. Spotwood, of Virginia, for furnishing soldiers at £4 a month, and the same pay was now given to Carolinians. The services of Indians (of whom several small tribes remained friendly,) [Aug. 1715,] were remunerated with a match-coat and £3 for every scalp, while the masters of faithful negroes engaged in the war received £2 per month for them. To 600 Carolinians and 100 Virginians, were joined 400 negroes and 100 Indians.* When a new Assem-

* As in all countries, the regular payment for services in war began when permanent forces became necessary. Hewit, and his follower Ramsey, ascribe to Governor Craven the leading of the troops, the conquest and expulsion of the enemy beyond the Savannah, and a triumphant return to Charles Town. The materials before me (perhaps deficient,) do not authorize me to follow their statement, nor to describe any particular engagement of the new forces that were raised.

bly convened, [Feb. 1716] hostilities had almost entirely ceased, and the chief object of solicitude was the securing, if possible, a permanent peace with all the surrounding Indian nations. The Yamassees had acted prematurely; and although 400 Christians had been destroyed, together with an immense amount of property, and the traders had sustained a loss of £10,000 in debts—yet the invincibility of the Carolinians against the combined power of the Indians had been so forcibly proved that never again was a united plot contrived, or an attempt made, to penetrate in hostile bands to the vicinity of the capital. In 1713, Sir Anthony Craven had died in England, and the proprietors had written to Governor Craven their permission for leaving the province, and their wish that Robert Johnson, son of Sir Nathaniel, should succeed him. Craven would not abandon the province as long as it was menaced with danger. His personal courage, upright character, and devotion to the best interests of the government, had won for him the esteem and warm attachment of the Carolinians. Their expressions to each other on parting are full of the evidences of their mutual friendship and respect. He left Col. Robert Daniel, deputy governor, on 25th April, 1716.

See the former author for atrocities, by small scalping parties of the Yamassees, on Hooper, Quinton, Simmons, Parmenter; and Dr. Rose, who fell into their hands. In subsequent years it was not permitted to any Indians to come even on friendly visits to Charles Town, unless they brought assurances of being sent by their nation. Yet as forests abounded for their concealment, “flying parties,” as they were called, sometimes appeared in the settlements, as in 1751, at Monk’s Corner, and in Christ Church parish.—“Carolina Gazette.”

CHAPTER X.

Feeble and impoverished Condition of the Colony—Proceedings of the Agents in England—The Proprietors unwilling to assist the Colonists—Memorials to the House of Commons—Proceedings between the King's Council, Board of Trade, and Proprietors, concerning a Surrender of the Charter—Proprietors refuse—Assistance granted by the King—The Proprietors conciliatory to the People—Measures adopted by the Carolinians for their Defense against the Indians—Goden's Memorial against the Proprietors—The Colonial Assembly address the King to be taken under his immediate Protection—Continued Indian Troubles, and increase of Public Debt in Carolina—Robert Johnson Governor—Unwise Instructions of the Proprietors—Attempt to force the People to greater Submission—Complaints of the Creditors in London—Disagreement of the Governor and Assembly—Expeditions of Johnson and Rhett against the Pirates—The Election of Representatives by Parishes, the Acts raising Duties on British Manufactures, &c., repealed by the Proprietors—Right of Repeal denied by the Assembly—Dissolved—The Influence of Trott and Rhett with the Proprietors—Complaints against Trott by the People, Assembly, and Council, not heeded by the Proprietors—How the Affairs of the Proprietors were managed—Yonge goes as Agent of the Council to England—Proprietors' Answer to Johnson—Deputies who joined in Complaint against Trott removed—A Council of Twelve appointed—Johnson determines to be guided by Trott—Comotions among the People—Elect their last Assembly under the Proprietary System—Associations formed for Revolution—The Province threatened by the Spaniards—Muster of the Militia ordered—They all join the Association—Alexander Skene—Johnson informed by Letter of the Intention of the People, and requested to be their Governor under the King—Declines, but has no Power to restrain the People—Private Meetings in the Country—Assembly meets—Refuse to acknowledge the new Council—Resolutions—Take the Title of a Convention—Johnson's Address—Refuses to be their Governor—He dissolves them—Their Proclamation.

AN impulse was given to the efforts of the agents in England, by the unexpected conspiracy of the Indians. Memorials were presented by the merchants

to the Board of Trade, praying that an exportation to Virginia of guns for Indian traffic might be stopped. Private letters gave accounts of the war, and the deplorable condition of the province. At Boston six hundred arms were purchased, "but Dudley and the people would not do us any service." Spotwood, however, was zealous, and aid was sent from Virginia and North Carolina. Still, the expenses for defense were too great for the colony to bear. The proprietors must furnish assistance now, with generous hands, if they hoped to retain their charter.

The agents, after application to them for immediate help, without a satisfactory response, petitioned the House of Commons, from whom an address was sent to the king. The subject was referred to the Lords Commissioners of Trade. In the spirit of the times, they expressed the opinion that Carolina was a proprietary government; if the crown must protect it, it should be surrendered to the crown. Lord Carteret, who was elected palatine on the death of the Duke of Beaufort, (and who before had nobly offered, on his part, to give up the government, rather than leave the Carolinians in want of adequate relief and protection,) wrote to the board: "We, the proprietors of Carolina, having met on this melancholy occasion, to our great grief find that we are utterly unable, of ourselves, to afford our colony suitable assistance in this conjuncture; and unless his majesty will graciously please to interpose, we can foresee nothing but the utter destruction of his majesty's faithful subjects in those parts." The commissioners and king's council proposed certain queries concerning their opera-

tions for defending the province [July 14th, 1715], and "whether such of the lords proprietors as are not minors are willing, for themselves, to surrender the government to the king?" They replied the next day, that they would repay to the king any expense he should incur for the province; but "If the lords who are not minors should surrender for themselves, that would give the king no better title than he has already,—for the titles of the minors would still subsist; and that in case the money, advanced as aforesaid by his majesty, shall not, in a reasonable time, be repaid, we humbly conceive his majesty will have an equitable right to take the government into his immediate protection. That the proprietors have continually supported and defended the government when attacked by the French or any other enemy; that neither his majesty nor any of his predecessors have ever been at any charge for the supporting or defending the province of Carolina, from the first grant thereof to the proprietors, which is above 50 years; and the proprietors hope, when the war is over, his majesty will never have any further trouble for any charges and expenses whatsoever."

The report of the board to Secretary Stanhope contains the history of the relative position of the parties in this transaction:† "In obedience to his majesty's command, signified to us by your letter of the 7th inst., and in consequence of the discourse we lately had with the lords of the cabinet relating to the

* Signed by Carteret, Palatine; Mr. Ashley, J. Colleton, and J. Danson; MS. Journals of Commons, No. 5, p. 79.

† Dated Whitehall July 19, 1715.

invasion and hostilities committed by the Indians on South Carolina, we have considered the letters from Mr. Craven, Col. Spotwood and others, and have several times conferred with the lords proprietors, as well as the principal planters of and merchants trading to that province, from all which we are fully convinced the dangers of it are such as require a speedy and effectual relief: the inhabitants being driven from their plantations, and in a manner look and depend on the only safe place they have, which is Charles Town; those capable of bearing arms not being above fifteen hundred men, and as we are informed have now nothing but the sea open to them. Finding that the proprietors are not able, or at least not inclined at their own charge to send either necessary succors in this exigency, or to support that province under the like for the future, we proposed to them to surrender that government to the crown as the surest way to protect his majesty's subjects there, and to secure their own properties. To which as we could not engage them, we humbly submit how far it would be proper for his majesty to take the preservation of so valuable a province upon him at this juncture; and the rather because the Bahama Islands have been lost to the public by the neglect of these proprietors. The situation of Carolina makes it a frontier, as well against the French and Spaniards as against numerous nations of Indians; which last, at the instigation of the former, seem to have entered into a general confederacy against all other dominions on the continent, who have scarce strength enough to defend themselves in case they be attacked.

The produce of this country are naval stores, viz.: pitch and tar in great abundance, also masts, rice of the best kind, and some quantities of skins, which by the trade thereof, and the duties on the importation here, are very beneficial to this kingdom, and occasions an augmentation of his majesty's revenue. If the government of this province, and particularly the Indian trade, were under a good regulation, there is no doubt it might be better secured and considerably improved. But the ill-usages of the Indians by the traders, of which we had several instances, and their trusting them for too great quantities of arms and ammunition at exorbitant prices, whereby the Indians are become very much indebted to them, despairing of being able fairly to discharge the same, we apprehend may have given the occasion of this universal revolt.

" We now take leave to lay before you what is the proprietors' and planters' desire, viz.: four hundred barrels of powder, fifteen hundred muskets with bayonets, forty cohorn mortars with hand grenades, six small fieldpieces, or harquebusses, and five hundred men. Toward the transportation of which the proprietors say there is only one ship of one hundred tons ready, and toward the payment they have some rice lately arrived, which they hope to sell for upward of £400 sterling. This they are willing to engage for the payment in part of the above mentioned particulars; but do absolutely refuse either to mortgage their charter, or to surrender their government to his majesty unless his majesty be pleased to purchase the same.

"They say the Assembly of Carolina have sent effects to the value of £2500 (that country money) to New York and New England for providing arms and ammunition. And the proprietors have given directions to their treasurer in Carolina to disburse what money he may have in his hands for the same purposes. But by such information as we are able to get, there will not be sufficient quantities to be had in either of those provinces. In our discourse with the proprietors, a difficulty occurring to us in relation to the command, in case his majesty be pleased to send any soldiers thither, they declared they expected their governor should have the command of them; and as to their subsistence, we find they must be victualled at least for twelve months; the country being so destroyed by the Indians that the inhabitants cannot under that time repair and cultivate their plantations, and reap the benefit of their crops."*

* Signed R. Molesworth, Jo. Cockburn, J. Chetwyne, Char. Cooke, and P. Doeminique, and addressed to the Right Honorable Mr. Secretary Stanhope. As soon as this report became known in Carolina, it was ordered by the Assembly (MS. Journals) "that Wm. Rhett, Esq., the lords proprietors' receiver-general, be sent for by the messenger to attend this house immediately, and that upon his appearing therein, he be asked the following questions by Mr. Speaker: Who appearing accordingly, Mr. Speaker (according to order) required his answers to the following queries, viz.: Whether he had received any order from the lords proprietors for the paying in the money of theirs he has in his hands, unto the government for the use and defense of this province? How much money he has of the lords proprietors in his hands? Whether, if he has received the said order from the lords proprietors, he is ready to pay the said money into the hands of the government for the aforesaid use? To which queries the lords proprietors' receiver answered, that he had received no such order from the lords proprietors' relating to the payment of the money in his hands to the government

The arms and ammunition sent by the king and proprietors did not reach the province until April of the succeeding year, when they were stored away. Efficient measures had just been taken for garrisons on the Santee, Savannah, (Fort Moore), Edisto, Port Royal, and Combahee ; for the enlistment of one hundred men, armed at their own expense, to join the Cherokees, who had become friendly, against the Creeks ; for rewarding a body of Tuscaroras retained at Port Royal, by exchanging one of their nations enslaved in the war of 1712, for every straggling Yamassee they could capture ; and for payment of soldiers for recent services, by raising £35,000 on bills of credit. The regiments from Virginia and North Carolina were discontinued, to relieve the treasury. The ancient animosities of the Indian nations had again brought them in conflict with each other ; and the alliance of the Cherokees, as long as it could be trusted, was as a wall of protection to the Carolinians. Still letters were sent to the authorities of Great Britain, computing at large sums the loss by ravages, the public cost of the war, the great annual charges rendered necessary—all to be borne by a people exhausted and exposed to dangers.

The proprietors had yielded to the wishes of the people, and revoked the veto power of Trott and his appointment of provost-marshals. They subscribed £500 of their funds toward building a church in

for the use and service of this province ; but that John Danson, Esq., one of the said proprietors, had wrote to him to make punctual returns home ; and likewise that their secretary in a letter he received lately from him, had mentioned nothing therein relating to the payment of the said money as aforesaid."

Charles Town for Rev. Gideon Johnson. They granted the Yamassee lands for emigrants who should settle in the province. These lands were bounded on the northeast by the Combahee, southeast by the Coosaw and Port Royal, southwest by the Savannah, and northwest by a line from the head of the Combahee to Fort Moore on the Savannah. They were now appropriated by the Assembly to all Protestant emigrants, for the purpose of strengthening the frontier in that direction. For encouraging settlers, a bounty was offered for the importation of white servants. The agent in England petitioned for some of the prisoners taken in the Scottish rebellion.* Assuredly there was at hand the display of a little wisdom on the part of their lordships. A great necessity existed for conciliation and prudent energy. They never had been weaker. A new king had arisen in England who knew them not. The services of Monk and Clarendon, Ashley, Berkley and Carteret, could no longer be brought to remembrance in behalf of Danson, Amy, Blake, or even the descendants of the original proprietors, against the manifest interests of the whole British nation. The memorial of Boone and Berrisford, and the address of the Assembly to the king, continued to present the grievances of the province to their view.† The com-

* In June, 1716, Deputy-gov. Daniels informed the Assembly that he had bought thirty of the Highland Scots rebels, at thirty pounds per head; and wished for power to purchase more. The Assembly sanctioned his purchase, but wished no more "till we see how these will behave themselves." MS. Journals.

† On 16th June, 1716, Deputy-gov. Daniel accused the Assembly, who appropriated £2000 for Boon and Berrisford, of using the public funds to destroy the charter of the proprietors.

mittee of parliament, however, appointed to consider the misfeasance of all the charter governments in America and to prepare a bill for resuming their grants, found various personal claims and influences conflicting with so abrupt a measure. At this time, Stephen Goden, a merchant of London, came forward in defence of the commerce and manufactories of England —urging the annulment of the charters, on the ground of unequal taxes imposed on the shipping and imports from the mother country, to encourage manufactures and the building of vessels in the colonies—the Assemblies thus obstructing the action of parliament by burdening in some instances with heavy taxes the articles specially protected at home by a release from export duties.* The proprietors having ratified such acts, repugnant to the laws and advantages of England, had *ipso facto* forfeited their charters; or else must truly be considered independent of the crown and the laws, which indeed had been sometimes asserted in the colonies.

To this argument was added the repeated solicitations of the Carolinians directly to the king praying his protection in their impoverishment. “We further take the liberty to inform your majesty that notwithstanding all these our miseries, the lords proprietors of this province instead of using any endeavors for our relief and assistance, are pleased to term all our endeavors to procure your majesty’s royal protection, the business of *a faction and party*. We most humbly assure your majesty, that it is so far from any thing of that

* MS. Notes from Papers in England.

nature, that all the inhabitants of this province in general, are not only convinced that no human power but that of your majesty's can protect them, but earnestly and fervently desire that this once flourishing province may be added to those under your happy protection."*

Yet the charter was not revoked. These arguments and appeals were thwarted by neither favoritism nor chicanery. It behooves us rather to turn our eyes upon the British parliament, then the most august legislature in the world, hesitating, even for great national advantages, to subvert by its vote the equitable claims of so feeble a body as the proprietors of Carolina.

The French, with great activity and enterprise, were extending their power around the English colonies. Their determination to master the Cherokees by aiding the Creeks, and bringing other nations into alliance with themselves, and the deserted condition of St. Helena and St. Bartholomew, and the remote plantations generally, compelled the Carolinians to continue their principal garrisons, and to occupy the intervening territory by troops of rangers from the Santee to the Savannah. The attention of the Assembly was still devoted to Indian troubles and the public debts, the public debts and Indian troubles. If there was some novelty, there was no solace in turning to a new theme—the scarcity of provisions throughout the province. [April, 1717.] While the proprietors refused to advance them aid from their

* Journals, Appendix.

private estates in England, or to mortgage their charter, they sent out a new governor with especial instructions to have the bills of credit called in and canceled, which he told them they ought in justice and honor to make good. An act was accordingly passed, taxing their own lands and negroes, and the mercantile stocks in Charles Town, to pay off all the paper bills in three years.*

To pay these bills required a tax of £95,000. Craven had given a bond not to engage in trade, and to enforce the British acts of trade and navigation. When Robert Johnson was commissioned† [April 30, 1717], this policy had been improved; and he entered into obligations to observe the orders of the proprietors, they having learned (says an angry memorial of merchants,) "by woeful experience that no man can withstand the temptations of those people." The merchants indeed had lost heavily in the province, not through fraud, but the calamities of the people. Some had loaned money before the currency depreciated. The planters, as a class, had lost their crops. Provisions sold at many times their former value. Creditors in London, fearing, amidst the difficulties and distractions of the colony, a loss of all their debts, ordered remittances at any rate, and suffered accordingly. All who held bills of credit, and waited hopefully for their redemption, hailed with joy the passage of the law of Governor Johnson.

* 3 Stat., 34.

† His Council were appointed to be Nicholas Trott, Alex. Skene, T. Broughton, Chas. Hart, Fr. Yonge, Saml. Wragg, and James Kinloch.

Yet before the canceling of the public debt could be effected, the king in council ordered the proprietors to annul such acts of the Assembly as laid a duty of ten per cent. on British manufactures;* and an expensive expedition of the Carolinians against the pirates became necessary—so that the debts of the province were increased, and at the same time its resources diminished. In the storm of indignation which arose among its creditors, the lords proprietors, safely housed, looked impotently forth upon their ship tossing from their sight. Gov. Johnson, on first meeting the representatives [Oct. 1717], in his ardor for the proprietors, inveighed against the addresses sent from the colony to England, without consulting their lordships. Such proceedings were “disrespectful,” “unjustifiable and impolitic,” and answered no good end. Their lordships, notwithstanding, had kindly donated for the public use, all arrears due to them to 1st May, 1718. But since £3 in Queen Anne’s time were now worth £12, the latter must be paid for land instead of the former.† The com-

* Prosecution against their charter was threatened if these acts were not repealed. The proprietors said they knew not such acts were passed, and promised to repeal them. April, 1718; MS. Notes from London papers.

† At a council held 6th Sept. 1717.—As the act, 6 Queen Anne, ch. 6, for ascertaining the rates of foreign coin, is in force in the colony, by instructions of the proprietors, it is ordered that Col. Wm. Rhett, their receiver-general, “shall receive all such sums of money as shall become due to the lords proprietors after the date hereof, in lawful money, according to said act of parliament, according to the species therein mentioned; or else in such a number of bills of credit as shall bear proportion to the same, which proportion at present we adjudge to be four for one—that is to say, twenty shillings for five. But this order not to extend to the purchase money of lands, or any grants or

mittee appointed to answer this address, were instructed by the house to "touch slightly (but not by way of argument or submission,) on what the last two Assemblies have done heretofore in addressing his majesty to take this province under his protection. And as to the donatives of the lords proprietors to the said province, that they take notice of the design of the house, to consider thereof at a proper time."* They thought taking £12 for £3, was not like a "donative." The munificence of surrendering their arrears was also made less by the governor's notice that, from the date of their lordships' letter, the gift must be understood as only extending to 3d May, 1716. The Assembly declined the donative. Johnson was anxious that they should accept it, and wished them to order a rent-roll made for the benefit of the proprietors, "as the Assembly is to pass wholesome laws even to private persons, much more to the lords proprietors, who are our masters!" If you will not do them this justice, they will "pursue other methods to recover their just dues." The Assembly replied, "we cannot but approve of your honor's care of their lordships' interest, who are, as you say, *your masters*." "If you look over their charters," was the answer, "you will find them to be your masters likewise." [Dec. 1717].

The governor appeared determined to gather in, as far as possible, all the powers yielded to the Assembly in former administrations. The first oppor-

plots that are already returned into the secretary's office before the date of this order, or the quit-rent thereof."

* MS. Journals.

tunity for this experiment occurred on the election by the house of Col. Michael Brewton to be powder-receiver. "The keys of the magazine," said Johnson, "shall be kept only by the officer appointed by the governor, who is military chief, and grants commissions; the house shall forthwith order the keys to be delivered to Major Wm. Blakeway, whom he has commissioned commander of the fortifications, and to take charge of the magazines; which office cannot be separated from that of powder-receiver." The house refused to proceed in business if this claim was insisted upon, and prepared an advertisement, to be made public in such a case. The governor partly yielded, and wished, for the sake of peace, that both officers might be appointed. "My officer shall keep the magazines, and give receipts to your officer for all powder delivered into his keeping." "What is the use," replied the house, "of a powder-receiver who don't keep the powder?" "But I insist on keeping it," said Johnson, "for I am his majesty the king's lieutenant." He immediately saw the following advertisement fixed up at the watch-house by order of the Assembly: "Whereas, in and by an act entitled an act declaring the right of the House of Commons, for the time being, to nominate the public receiver, and duly ratified in open Assembly, the 5th day of July, 1707, among other things therein contained, it is enacted that the power, right, and authority of nominating and appointing the public receiver and comptroller, powder-receiver, and all such officers who receive a settled salary out of the public treasury of this province, shall always remain and be solely in

the disposal of the House of Commons for the time being, who shall put out, call to an account, and put in place, from time to time, all such officers according to their discretion; and whereas this present House of Commons did, on Saturday, the 7th of December instant, nominate and appoint Col. Michael Brewton to be powder-receiver in this province, and in that station to act and do in all things as the laws thereof, now or hereafter to be in force in the same, which any ways relate to such his office, shall direct and order him:—These are therefore to give notice to and require all masters and commanders of ships and vessels, liable by law to pay any powder to the powder-receiver, who shall, after the date hereof, clear out and depart this province, that they pay the powder due, and payable according to law, for the several respective ships they shall happen to be masters or commanders of, unto Col. Michael Brewton, appointed powder-receiver as aforesaid, and to no person else inhabiting in the same, whatsoever, as they will answer the contrary by being prosecuted as the law directs. Signed by order of the house, George Logan Speaker.”*

* The next entry in the Journals is dated Feb. 3d, 1720.—An act was passed, Feb. 1719–20, “for preventing the embezzlement of the Public Records of this settlement, and for obtaining the same out of the hands of such persons as now have the custody thereof.” 3 Stat., 98. On account of this loss of the original materials, much of the subsequent portion of this chapter will depend, principally, upon the “Narrative of the Proceedings of the People of So. Ca., in the year 1719,” (2 Carr. Coll.) by Francis Yonge, “being furnished with proper materials, the *original papers*, and an eye-witness to most that then passed in that province;” and also on a MS. summary of the papers in England relating to the same events. One of the original pamphlets of Mr. Yonge

Although Johnson had entered upon a sea of troubles, in the conflicting interests of the people and the proprietors, yet his integrity and ability, and the associations of his family and home, and his father's services, secured for him a degree of popularity among the leading men of the province. At this time the pirates had by long impunity become formidable to the trade of the West Indies and Carolina. Their chief places of rendezvous were the Island of Providence and Cape Fear River. Against the former Capt. Rogers was sent by the king with a few ships of war, and captured the island. Except Vane and about ninety others who escaped, all the pirates there took the benefit of the royal proclamation, which promised pardon to such as should surrender themselves within twelve months.* Capt. Rogers retained possession of the island, and instituted a civil government upon it. The pirates whom, upon the whole, the proclamation seems to have encouraged, more than once blockaded the harbor of Charles Town for several weeks at a time, and took all the ships entering in or going to sea.† Steed Bonnet commanding a sloop of ten guns, and Richard Worley another of six guns, issued at will from their place of refuge at the mouth of Cape Fear River, and hovered audaciously off the coast. Johnson resolved to check their insolence, and fitting out two sloops,

(1726) is in the Charleston Library, presented by Gov. Drayton. For a notice of all the chasms in our Public Records, see Mr. Green's Report to Legislature, Nov. 1853.

* Hewit, 209.

† "Proceedings," &c.: 2 Carr. Coll., 148.

placed them under command of Col. Rhett.* No man in Carolina possessed more dauntless courage. Exulting as an eagle for its prey, he pursued Bonnet, whom he met near the bar, into Cape Fear River, took the sloop after an engagement, and brought its commander and about thirty men to Charles Town. A disagreement having arisen between Rhett and the governor, the latter set out without him in pursuit of Worley, who came to engagement off the bar, offering the Carolinians combat in a spirit of desperation. The pirates, fighting like furies, refused to surrender, and were all killed, except Worley and one of his crew, who still fought on, and were taken only when stricken down with dangerous wounds. They were brought into town, and to prevent their dying of their wounds were instantly tried, condemned, and executed. Steed Bonnet and his crew, except one man, suffered in like manner, and their bodies were buried at White Point, below high-water mark.† The governor and Col. Rhett received the thanks of the proprietors for their conduct and success; and though the public debt was increased by these expeditions, the people were gratified at having

* Bonnet's letter to Col. Rhett.

† Bonnet escaped from prison and was recaptured. *Vide* Ramsey, 1, 204, for a letter addressed by Bonnet to Col. Rhett, to intercede in his behalf. There is a tradition that in his fight with the pirates Rhett was shot through the body. The cause assigned in the text for his not joining in the second expedition, is based on a letter of the proprietors on the subject. This letter of censure was not sent. Had the proprietors heard in the mean time the true cause of Col. Rhett's conduct?

their commerce freed from hazard and destruction at so precarious a period of their prosperity.

While Col. Daniel acted as governor a change was made in electing the members of Assembly. It had become customary (perhaps through the dangers of the province,) to choose all the members at Charles Town. By establishing parishes, and appropriating duties to the wardens of each, the evident convenience and utility of subdividing the operations of a system cumbrous and burdensome if concentrated, led to the expedient of creating county courts, and electing representatives by parishes. The latter, through appeals of the grand juries, was now begun, by allotting for Berkley county—four representatives to St. Philip's, (Charles Town), two to Christ Church, three to St. John's, four to St. Andrew's, three to St. James, Goose Creek, three to St. Thomas and St. Dennis, (whose boundaries were indefinite;) four to St. Paul's and three to St. Bartholomew's, in Colleton county; three to St. Helena, in Granville; and one to St. James, Santee, in Craven.* The first election under this law occurred in April, 1717. The people were pleased with the greater freedom of procedure in balloting in their respective parishes, without the violence and tumults they had often witnessed at Charles Town. On the other hand, Trott and Rhett had foreseen their loss of power by this method, and had exerted themselves to defeat it. Having failed to do so, they sent such representations of the change to the lords proprietors, "with whom

* 2 Stat., 683.

they had always too much interest, either for their lordships' or the people's good,"* that at the juncture of a new effort by the Assembly harmonizing with Johnson, (after the suppression of the pirates,) to save the public credit, and who, it is said, "were never observed to be in so good a disposition toward the proprietors"—at this juncture an order arrived to dissolve the Assembly forthwith, and call a new one according to the former custom, and the laws ratified in London. What right had the Assembly to alter any thing ratified by their lordships, without their consent? Our deputies, it is true, have sanctioned your new election act; but we are not bound by what our deputies do, being ourselves the head of the legislative body of the province; what we refuse you cannot enact; and what we once approve of you cannot alter or repeal.

With this tyrannical injunction came a repeal of the act for electing the receiver, &c., the Yamassee land act that regulated the Indian trade, and other laws raising duties to liquidate their debts and for the necessary support of the colonial government.† Governor Johnson and his council (except Mr. Trott), were greatly surprised at these orders, and having carefully considered the consequences which would follow their promulgation, resolved to keep them secret till the Assembly had accomplished the business then before them. But as the repeal of the duty acts was by order of the king in council, this at least must be immediately performed. By some means,

* F. Yonge.

† See these orders: 3 Stat., 30.

however, the nature of all the instructions was divulged, and the Assembly were much excited. They thoroughly discussed the position assumed by the proprietors, of freedom from obligation by acts of their deputies. So widely did they differ from their lordships, that they thought no act of the deputies, who were attorneys by the nature of their deputation, could be annulled by the proprietors; who were also, in such cases, according to the tenor of their charter, as much bound as if they had been present and affixed their own signatures to the bills sent from the Assembly. Moreover, to deny the Assembly's right to repeal laws, found in the course of time to be deleterious to the public welfare, was equivalent to an abnegation of their essential legislative character.

Immediately before these events, Whitaker, Allein and other lawyers, who had long endured Judge Trott's tyranny in court, presented to the Assembly thirty-one articles of complaint against him, setting forth, "That he had been guilty of many partial judgments; that he had contrived many ways to multiply and increase his fees contrary to acts of Assembly, and to the great grievance of the subjects, and that among others, he contrived a fee for continuing causes from one court or term unto another, and then he put off the hearing for several years together; that he took upon him to give advice in causes depending in his courts, and did not only act as a counselor in that particular, but also had and did draw deeds and other writings between party and party, some of which had been contested before him as

chief-justice; in the determining of which he had shown great partialities, with many other particulars; and lastly, complaining that the whole judicial power of the province had lodged in his hands alone; of which it was evident he had made a very ill use, he being at that time sole judge of the Pleas and King's Bench, and judge of the Court of Vice-Admiralty, so that no prohibition could be lodged against the proceedings of that court, he being in that case to grant a prohibition against himself; he was also at the same time one of the council, and of consequence, of the Court of Chancery." The facts alluded to being substantiated, the Assembly sent a message to the governor and council, requesting their concurrence in complaining to the lords proprietors, and desiring them to remove Mr. Trott entirely from office, or to limit him to a single jurisdiction. Trott needed no greater condemnation than the concurrence of the Assembly, governor, and a majority of council in this measure. Thinking their object would be best effected by sending to the proprietors one of the council who was cognizant of the whole case, and all the affairs of the province, they deputed Mr. Yonge, who, with suitable instructions, arrived in London in May, 1719.

Lord Carteret, the palatine, being about to proceed on an embassy to the court of Sweden, referred Mr. Yonge to the rest of the proprietors; to whom, after some delay occasioned by themselves, he presented a memorial [June 5, 1719] excusing the governor and council for not instantly dissolving the Assembly, as many persons had furnished voluntarily, or by im-

pressment, the means for the two expeditions against the pirates, which amounted to more than £10,000, and which must be paid by this Assembly, or lost perhaps in the disaffection of another elected amidst the tumult that would follow a strict obedience to their lordships' commands. Besides, the annulment of the duty acts, by which the clergy, the garrisons, and several public debts were paid, and on which orders had been already drawn for £30,000; and the annulment of the trading law, and the provisions for sinking a portion of the bills of credit, and at the same time a dissolution of the Assembly without a substitute for the laws annulled, threatened serious embarrassment to the government. They had preserved to their lordships without diminution all their rights and powers; and in relation to the principles of repeal, presented them a copy of Mr. Trott's speech, made at a conference of the two houses, in support of the prerogative of the proprietors. The memorial next showed the necessity of allowing Mr. Secretary Hart a clerk to assist in transcribing the laws which their lordships required to be sent constantly to them; to allow Mr. Gibbon a remuneration for the council's use of his rooms; and themselves some equivalent for spending one third of their time in the discharge of official duties; to please to let Mr. receiver-general pay for the candles, &c.; to place custom-house officers at Beaufort, whose inhabitants now rapidly increasing were compelled to bring their produce to Charles Town for shipment; to grant 6000 acres to the public for the garrisons; and some part of the land to the northward on the same terms

as the Yamassee lands had been granted for encouraging the settlement of the frontiers in that direction. And lastly, as if in doubt of success, the memorial set forth the complaints against Trott, and pleaded for the people's undoubted right of appealing from his erroneous judgments in law; who, in possessing all judicial authority in the colony, held "a trust never reposed in any one man before in the world."

Now it happened that some of the proprietors were minors, and that the rest were so occupied with other business, that the affairs of the province were in a great measure managed by their secretary, and that Judge Trott and his brother-in-law, Col. Rhett, completely managed the secretary. "The secretary," says Mr. Yonge, "sent any instrument when drawn, by the post, to such as were out of town, or carried them to sign, to those that were in town; which was generally done without any previous consideration whether they were fit and convenient to be done or not; and thus a whole province was to be governed by the caprice of one man."* Trott's private letters were listened to, while the united voices of the governor, council, assembly, and people of South Carolina, appeared indicative only of falsehood and treachery. The chief-justice was thanked for his efforts to uphold their lordships' power, and furnished with a copy of the complaints against him that he might prepare his answer thereto. He was maintained in all his offices, but it was intimated that a sense of propriety should prompt him to withdraw from the council, whenever complaints against him-

* "Proceedings," &c., 162.

self were presented for their consideration. Mr. Yonge, who held a commission as surveyor-general, was a deputy by recommendation of the palatine, and at an important crisis had come thousands of miles to represent the authorities of the province, and to afford from his knowledge and experience whatever information the proprietors might wish, was disrespectfully kept in attendance for three months, and then sent back with sealed dispatches and ignorant of their lordships' resolves. Their letter to Governor Johnson was this: "Sir: We have received and perused your letters and all your papers delivered us by your agent, Mr. Yonge; and though we are favorably inclined in all our thoughts relating to our governor, yet we must tell you, we think you have not obeyed your orders and directions given to you, to dissolve that Assembly and call another forthwith according to the ancient usage and custom of the province; and to publish our repeals of those acts of Assembly immediately upon the receipt of our orders aforesaid. But we shall say no more upon the subject now, not doubting but our governor will pay a more punctual obedience to our orders for the future. The lords proprietors' right of conferring and repealing laws, was so particular a privilege granted to them by the crown, that we can never recede from it. And we do assure you we are not a little surprised that you would suffer that prerogative of ours to be disputed. We have sent you herewith an instruction under our hands and seals, nominating such persons as we think fit to be of the council with you, six whereof, and yourself, and no less number, to be

a quorum. Upon your receipt of this, we hereby require you to summons the said council, that they may qualify themselves according to law, and immediately sit upon the dispatch of business. We also send you the repeal of the acts of Assembly, which we order you to publish immediately upon receipt of this. We do assure Mr. Johnson that we will stand by him in all things that relate to the just execution of his office, and we are confident that he will perform his duty to us, and support our power and prerogatives to the best of his abilities. If the Assembly chosen according to your pretended late act is not dissolved, as we formerly ordered, and a new Assembly chosen pursuant to the act formerly confirmed by the proprietors, you are forthwith commanded hereby to dissolve that Assembly and to call another according to the above-mentioned act."* There were only three proprietors personally present on this occasion, who, in addition to this haughty epistle, sent out a mandate, [July, 1719,] under hand and seal, for creating a council of twelve,† instead of the customary number of deputies; and refusing to grant a small portion of land for the use of the permanent garrisons on the Savannah and Congaree, gave strict orders that no more land should be granted to any person whatsoever, but that fifteen

* Signed, Carteret, palatine; Bertie, for Duke of Beaufort; M. Ashley; J. Colleton; and J. Dawson. Lord Carteret's name was signed by Mr. Ashley, who acted for him.

† They appointed William Ball, Ralph Izard, Nicholas Trott, Charles Hart, Samuel Wragg, Benj. de la Consilliere, Peter St. Julien, William Gibbon, Hugh Butler, Francis Yonge, Jacob Satur, and Jonathan Skrine.

baronies, each of 12,000 acres, should be laid out for their private use in the Yamassee territory nearest to Port Royal. Of the members of council who had joined the Assembly in complaining against Trott, they turned out three, Col. Broughton (the governor's brother-in-law), Alexander Skene, and James Kinloch, and the fourth, who was Mr. Yonge, they said was permitted to remain only through respect to the absent palatine, by whom he had been recommended.

The result of Johnson's deliberations with regard to his future course, was to keep his office, to shelter himself beneath the wing of Trott, and come forth only to do his bidding. The new council were summoned, some of whom refused their appointment. The governor declared the laws repealed as directed by the proprietors, and by proclamation dissolved the Assembly, and ordered a new election after the old method. The deputies excluded from council were active among the people, whom now no love, fear, or interest restrained in their opposition to the proprietors. Had they not, spurning all appeals, protected a tyrannical judge, and continued him in power over their lives and property? Had they not refused to part with an acre of their immense uncultivated domains for public or private use, against the expressed design of the charter? Was it not under their grant that they had lately promised 200 acres to all new settlers, by which inducement several hundred immigrants came from Ireland, who now must starve in Carolina, or beg the means of returning to their homes. Thousands of pounds had been expended by the colony to fetch these settlers here;

and must their lordships now issue a fiat in effect forbidding the number of inhabitants to be increased and the frontiers strengthened? To foster the power of a few favorites, had they not counteracted the equitable representation of the people? Had they helped the colony in its distress, beat back the Spaniards, or quelled at any time an Indian horde; or could they now, masters as they claimed to be, protect the Carolinians in any emergency? And if after all these provocations we choose to rebel, and throw your vaunted absolutism to the winds, where are your forces to suppress our revolt? Will King George, our sovereign, to whom we will appeal for protection, furnish you with an army to reduce us to submission? Such were the feelings and opinions of the people who came to the polls at Charles Town to elect their last Assembly under the proprietary government. "Mr. Rhett and Mr. Trott found themselves mistaken, in fancying they could influence the elections when in town, so as to have such members chosen as they liked; for it proved quite the contrary; they could not get so much as a man chosen that they desired. The whole people in general were prejudiced against the lords proprietors to such a degree, that it was grown almost dangerous to say anything in their favor."*

War had again been declared against Spain, and a project was formed at Havana for attacking South Carolina and the island of Providence. Gov. Johnson, receiving advice of this design, called together his council and such members elect as he could

* F. Yonge's Narrative.

gather; for the time of meeting of the new Assembly had not arrived. He desired them to consider the necessity for immediately repairing the fortifications. As the recent dissolution and repeals had left the province unprovided with funds, he proposed a voluntary subscription, subscribing himself £500. The members of Assembly replied, "they thought the income of their duties was sufficient for that service." "But the act raising those duties is repealed by the proprietors." They answered that they "did not and would not look on *their* repeal as anything;" and that the receiver had orders to sue any man who refused to pay as that law directed. Whereupon Mr. Trott told them, "if any action was brought into *his courts* (for so he always called them) on that act, he would give judgment for the defendant." After violent altercations they dispersed, the members preferring to hazard the loss of the country to the Spaniards rather than acknowledge the right of the proprietors to repeal their laws. Johnson did what he could in this defection, and summoning the field-officers of the militia, gave orders to review their regiments and settle a plan of general rendezvous, in case of any sudden attack upon the province. This muster promised to the leaders of the opposition an admirable opportunity to form a complete combination of the people. An association was secretly prepared. Alexander Skene, who had been many years secretary for the island of Barbadoes, and was skillful in the management of public affairs, was filled with resentment against the proprietors for turning him out of the council, because he had joined in the complaint against

Mr. Trott. His experience and resolute character fitted him both for planning and consummating a revolution; and he exerted especial influence in the private meetings of members of the Assembly, held for considering the best method of delivering the province from the authority of the proprietors. But among many able and resolute patriots no particular leadership was assigned—wisdom, not war, was needed—the commonwealth, the good of every man around them, was the object of their solicitude. Their declaration and resolutions were framed and mutual pledges given. The muster of the regiments took place according to order; and the people, “almost to a man,” signed the resolutions submitted to them: “and so the whole province was at once brought into a confederacy against the lords proprietors, unknown to the governor.” The first notice he had of these proceedings was from a joint letter signed by Mr. Skene, Col. Logan, and Major Blakeway, on 28th November:—“Sir: We doubt not but you have heard of the whole province entering into an association to stand by their rights and privileges, and to get rid of the oppression and arbitrary dealings of the lords proprietors. And as we always bore you the greatest deference and respect imaginable, we take this opportunity to let you know that a committee of the people’s representatives were last night appointed to wait on you this morning to acquaint you that they are come to a resolution to have no regard to the lords’ officers nor their administration; and withal, to beg that your honor would hold the reigns of government for the king, till his majesty’s pleasure

be known. The great value the whole country expresses for your honor's person, makes them desirous of having nobody but yourself to govern them ; and as you must be convinced that no person can be more passionately desirous of your government than ourselves, we hope you will not take amiss any advice given by faithful and affectionate friends. And therefore we take the liberty to tell you freely, that we are of opinion that your honor may take the government upon you, upon the offer of the people for the king ; and represent to the proprietors, that rather than the whole country should be in confusion and want a governing power, you held it for their lordships, though you were obliged to comply with the province, who were unanimously of opinion that they would have no proprietors government. We could wish for a longer and better opportunity to explain this affair to you ; but it is impossible, for the gentlemen will be with you in two hours at the farthest. We heartily wish your honor the utmost success, let it go which way it will ; but beg leave to observe, that your compliance will not only be the greatest satisfaction imaginable to the province in general, but in particular to your obedient," &c.

Johnson received this letter at his plantation, and not being deceived by its flattery, hastened to town and summoned such of the council as he could instantly convene, who were Judge Trott, Izard, Hart, De la Consilliere, Bull, Butler, and Satur, and desired their opinion on what was proper to be done. He had met on his arrival, Skene and Berrisford, who informed him that the committee appointed to wait on

him had changed their minds, and dispersed to their respective homes; the council therefore advised him to wait until the Assembly met, and revive the subject by their action.

In the mean time, the members elect held many private meetings in the country.* The people having joined the association, had thereby "promised and agreed to stand by and support whatsoever should be done by their representatives then newly chosen, in disengaging the country from the yoke and burden they labored under from the proprietors, and putting the province under the government of his majesty." Fortified by this consent of their constituents, the Assembly met [Dec. 17th,] according to the tenor of their writs, and the governor sending the usual message that he was ready with his council to receive them, they came in a body, and Mr. Middleton delivered on their part the following address: "May it please your honor: I am ordered by the representatives of the people, here present, to tell you that according to your honor's order we are come to wait upon you. I am further ordered to acquaint

* A private letter of November 14th, 1719, describes the disquiet of the people on the grounds mentioned in the text, and ends, "on Monday next there is to be a private meeting of the country gentlemen, for which great speculations are made. And I tell you, sir, if the much greater part of the most substantial people had their choice, they would not choose King George's government." In December, Col. Rhett, "the intelligent receiver of the revenues, wrote in prophetic language, that upon twenty-five years' experience he had remarked, that the planters of Carolina, who are greatly in debt to the proprietors, had been raising conspiracies; and if their recent revolt is not cropt in the bud, they will set up for themselves against his majesty."—Chalmers' History of the Revolt, &c., vol. ii. p. 93.

you that we own your honor as our governor, you being approved by the king; and as there was once in this province a legal council, representing the proprietors as their deputies, which constitution being now altered, we do not look upon the gentlemen present to be a legal council. So I am ordered to tell you that the representatives of the people do disown them as such, and will not act with them on any account." This address was delivered in writing at the request of the governor, and signed by Middleton as *President*, and by twenty-two of the Assembly. Anticipating a dissolution they resolved, probably before presenting this address, that the three laws for electing the public receiver, &c., by the Assembly, for raising duties, and for electing representatives by parishes, "pretended to be repealed, are still in force within this province, and could not be repealed or made void and null, but by the General Assembly of this province, and that all public officers and others are to have due regard to the same accordingly." They also resolved, "That the writs whereby we the representatives here met were elected are illegal: first, because they are signed by such a council, as we conceive the proprietors have not a power to appoint. Secondly, for that their council does consist of a greater number of members than the proprietors themselves are, which we believe is contrary to the design and original intent of their charter, and approaching too near the method taken by his majesty and his predecessors, in his plantations, whom they ought not to pretend to imitate or follow, his majesty not being confined to any number in his

council in his plantations, but as he thinks fit himself; but the proprietors, as subjects, we believe, are bound by a charter. Thirdly, were there no doubt of the legality of the council, yet, according to the proprietors instructions there was not a sufficient number to dissolve the last Assembly, one of the council signing being a foreigner, not naturalized, and consequently not capable of doing any act of government in any of the British dominions, and expressly contrary to the lord proprietors' charter, and a high act of presumption in them thus to impose upon his majesty's free people of this province. For the aforesaid reasons—Resolved, That we cannot act as an Assembly, but as a *Convention*, delegated by the people, to prevent the utter ruin of this government, if not the loss of the province, until his majesty's pleasure be known—that the lords proprietors have, by such their proceedings, unhinged the frame of government, and forfeited their right to the same—and that an address be prepared, to desire the honorable Robert Johnson, Esq., our present governor, to take the government upon him in the king's name, and to continue the administration thereof until his majesty's pleasure be known."

The governor and council were alarmed at these bold and uncompromising resolutions. The treasury was empty; an invasion by the Spaniards expected at any hour; the whole mass of the people associated in revolt. Trott and a majority of council—for Johnson ventured nothing on his own responsibility—advised the gentle means of a temporizing policy. A message was consequently sent to the Assembly,

desiring their conference with the governor and council. They replied they would receive no message or paper from the governor in conjunction with those gentlemen he called his "council." Being again sent for in the name of the governor alone, he read to them a carefully written speech, whose mingled persuasion and argument, and latent threatenings, could not have been excelled even by the remarkable abilities of the *chief-justice*. After recapitulating the subjects he had intended to recommend at this juncture for legislation, he proceeds : " But Mr. Middleton's telling me, in the name of the rest, that you would not act *with*, and your surprising message since, that you will not receive any thing *from* me in conjunction with my council, has made it necessary for me to take this occasion of talking with that plainness and freedom so extraordinary a proceeding of yours requires. And first I must take notice of your message, wherein you say you own me as governor, because I am approved of by the king ; but that you disown the council to be a legal one, nor will act with them on any account whatsoever, and this is subscribed by all your members. But upon examining I find it to be pretty dark and evasive, and seems as you would avoid expressing in plain terms what I have too much cause to fear is your design, I mean, to renounce all obedience to the lords proprietors ; and this I cannot but think you propose from all your words and actions. You say you acknowledge me, because I am approved of by the king ; but you take no notice of my commission from the proprietors, which is what makes me governor.

The confirmation of the king only signifies his majesty's approbation of the person the lords proprietors have constituted. But it is my commission and instruction from them that not only grants but limits my power, and contains the rules by which I must act, and are to warrant and vouch my actions. Therefore to avoid declaring in express terms, your renouncing the lords' power, and at the same time doing it in effect, is to create perpetual doubts and disputes, and is not acting with that sincerity and plainness which ought to be used in all public debates, and especially in matters of so great concern as this is, and upon which so great consequences depend. I do require and demand of you therefore, and expect you will answer me in plain and positive terms, whether you own the authority of the lords proprietors as lords of this province, and having authority to administer or authorize others to administer the government thereof; saving the allegiance of them and the people to his most sacred majesty King George? or, whether you absolutely renounce all obedience to them, and those commissioned and authorized by them? or, whether you admit their general power, and only dispute that particular branch of their authority in constituting a council after the manner they have now done? If you deny their general power and authority in this province, and say that their lordships have forfeited their charter as Mr. Berrisford asserted, and you all acquiesced in—then I demand of you that you signify wherein the lords have forfeited their charter, and what particular branch thereof they have broken. And I

demand of you, that supposing (not granting) they have made a forfeiture of their charter, by what power do you presume to renounce their authority, and to model a government out of your own heads, before such time as that, by a court having lawful jurisdiction of the same, it shall be adjudged that the lords have made a forfeiture of their charter, and that the powers granted them are null and void? If the king is of opinion, that any corporation or society has made a forfeiture of the rights and powers granted by their charter, although his majesty may have the advice of his attorney and solicitor-general, and his judges and counsel learned in the law, that such a forfeiture has been made, and this he may more reasonably depend upon than any advice or assurance you can have; yet notwithstanding this, and his supreme authority as king, he never dispossessed the persons of the powers granted them, before *a quo warranto* or some other process had been brought, and judgment obtained against the same. And if the king doth not assume such a power, by what authority do *you* assume it?

"I desire you further to consider the consequence that attends that assertion—of the charter being forfeited—before judgment is given upon the same. For if it be so, then the forfeiture must be from the time that the fact was committed that caused the forfeiture; and then you must remember, that by the charter the lords have granted to them not only the power of ordering the government, but also the lands are granted to them by the said charter. So that if there is a forfeiture of the rights and prerogatives

of the government, there is also a forfeiture of their rights to the lands and to grants made by their authority of any lands, since the fact committed that caused the forfeiture, according to your own doctrine and assertion, must be null and void. And, therefore, how many persons' titles to their lands will become void, I leave you to consider. And though it may be your will to assign some new late fact by which you may think to avoid the ill consequences that attend the titles to the lands, yet know, that the facts that you assign may not be the only ones that may be thought to have made the forfeiture of their charter. And if your present assertion is true, that they may be dispossessed before a judgment, it may be other persons may assign other causes of the forfeiture, beside those which you assign, which may have been committed many years ago. For you cannot but know there have been persons in the province, that for several years past have publicly asserted that the lords have done facts for which their charter was become forfeited; which, if so, I leave you to consider what a gate you will leave open to call in question, nay, utterly destroy, several hundreds of people's titles to their lands. And though you have most unjustly and untruly suggested to the people, to create a prejudice in them to the lords proprietors, that their lordships designed to dispute their titles to their lands; yet, by this assertion and practice, you are the persons that will not only call in question, but effectually destroy their titles.

"And if you persist in disowning the council as now authorized, then I desire you further to consider,

in what capacity I can act with you, and to what purpose you pretend to sit and transact the public business of the province. You know very well I am not able to join you in passing any law without the consent of my council; and surely you cannot pretend to pass laws without me; and what an absolute occasion there is now to pass some laws, that the province may be put in a posture of defense, and the contingent charges thereof defrayed, I leave you seriously to consider, and hope you will not lose the whole province to the enemy for your own humors. But I am further to tell you that, in case you continue to deny the authority of the council, you cannot properly style yourselves the representatives of the people; for you know very well you were chosen members of Assembly, pursuant to, and by virtue of the writs signed by myself and council. For it is not the people's voting for you that makes you become their representatives; the liege people of this, nor any other province, have power to convene and choose their representatives without being authorized so to do by some writ or order coming from authority lawfully empowered. And if you pretend that the writs signed by me, as governor, were sufficient; to that I answer, that I do not pretend to any such authority, but jointly and with the consent of my council, it being the express words of my commission. Nor did I sign the writs in any other capacity than in conjunction with my council, who also signed the same. But if my signing the writs were sufficient authority for the people to choose you, then you must allow, that as the power lies solely in me to call you, it lies

also solely in me to dissolve you. And therefore if by your actions you will force me to make use of that power, I do hereby publicly protest and declare you only must be answerable for the ill consequences that may attend such a dissolution, and for the loss of the lives and estates of the king's subjects in this province by any attack that may be made upon them by our public enemies, the Spaniards, or from the Indians, by reason of the provinces' not being put into such a posture of defense as it ought, and would, if you proceeded to transact the public business under a lawful authority; and this I would have you seriously to consider of.

"Notwithstanding stories that have been industriously spread to possess the people that you are the only persons who stand up for their rights and privileges; by which it may be you have so far engaged them in your favor, that you may have their assistance to enable you to commit any act of force or violence upon the government and the anthority of the lords proprietors—yet know, and be assured, that the matters in dispute are of that consequence, that they must and will be decided by an authority in England having lawful jurisdiction of the same; and that there it must be law and right that must justify your claims, and not the consent and approbation of the people of Carolina, who will have no weight there, but the right and merit of the cause.

"I must further mention to you that 'tis notoriously known you have promoted two forms of associations, and have persuaded the people to sign them. How far you can be justified at home, behooves you to con-

sider. But as I am satisfied no matter of such public concern ought to be carried on without my knowledge, so do I hereby require and demand of you an attested copy of both associations; and though it may not concern me to have the names of every individual person that has signed them, yet I do insist upon it, that you do acquaint me which of your own members have signed both or either of them, as also the names of such persons who have commissions or hold any places, civil or military, under their lordships, or of such persons who practice the law in their lordships' courts and have signed them. To what is here demanded of you I do require your plain and positive answer in express terms, and that you do in writing give me the same in a body, and under your hands."

The Convention, as they entitled themselves, after a short deliberation replied: "We have already acquainted you that we would not receive any message or paper from your honor, in conjunction with the gentlemen you are pleased to call your council; therefore we must now again repeat the same, and beg leave to tell you, that the paper your honor read and delivered to us, we take no notice of, nor shall we give any further answer to it but in Great Britain." At the same time, they respectfully solicited Gov. Johnson, by an address, to assume the administration in the name of the king. Grateful for their confidence, he was restrained by a sense of duty to the proprietors to decline their offer, desiring no favor from them than to save the province from impending

dangers of foreign invasions, and to forbear involving it in anarchy and confusion.

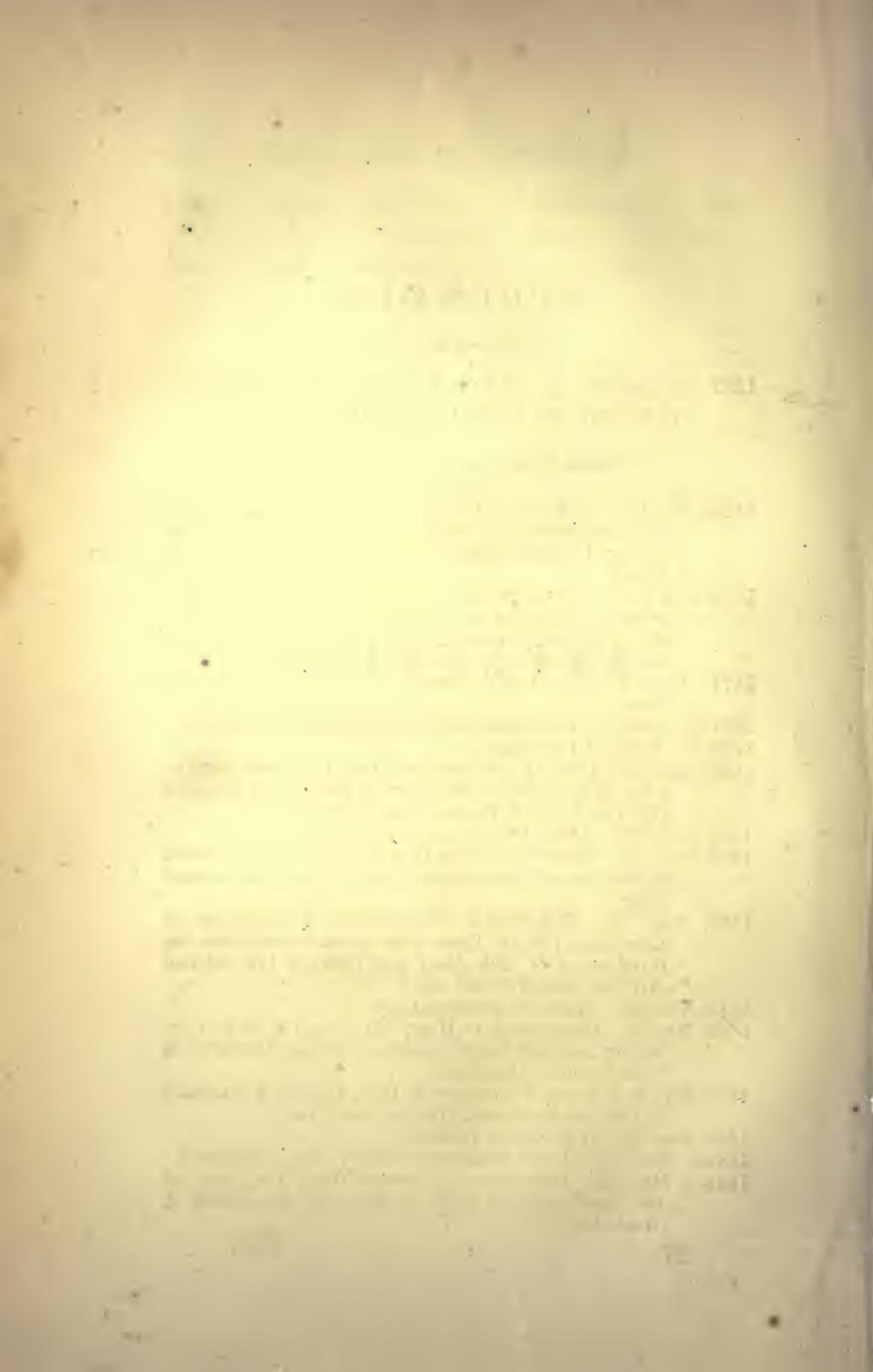
The same afternoon the governor, convinced of their unyielding determination, dissolved them by proclamation. The proclamation was torn from the marshal's hands, and the Convention issued a proclamation in their own names, ordering all officers, civil and military, to hold their offices until further orders from themselves. Having failed on their part to bring Johnson into their interest, they elected their own governor, Col. James Moore, who was commander-in-chief of the militia under the former governor, and had lately been removed for his active opposition to the authority of the proprietors.

On the 21st December, Johnson hastened to town from his plantation, having heard that the people intended to proclaim their governor in the king's name. He despatched letters to his council to meet him, but they did not come. On the preceding Saturday, he had had intimations of the design of the people, Monday having been appointed for a general review of the militia; but he had countermanded his orders, and particularly enjoined upon Col. Paris not to permit a drum to beat. It was with surprise therefore that he found the militia drawn up at the market place, and colors flying at the forts and on all the ships in the harbor, and preparations made for proclaiming their governor with great solemnity. It would be tedious, says an eyewitness, to tell all that Johnson did on this occasion, running about, menacing some, roughly handling others, or with fair words appealing to them to desist from their purpose.

"How dare you," said he, to his commanding officer, "to appear in arms against my orders? In the king's name, disperse your men!" Col. Paris replied, he was obeying the orders of the Convention!—and was obliged instantly to command his men to level their muskets to shield himself from Johnson's wrath. He was attended by only one of his council and by Mr. Lloyd, who was sent by the leaders of the revolution to keep with him under pretense of friendship and adherence, and to prevent any rash action on his part. Where now were Col. Rhett and Judge Trott? The narrative before us answers—"leaving their masters in the lurch."

When the troops began their march, Johnson's excitement inspired him with energy and eloquence sufficient to stop them once more and cause their line to waver in momentary hesitancy. But Sir Hovendine Walker, who was with them, urged the popular leaders to dissolve without delay the infatuating charm of the governor's appeal. In mingling sounds along the lines their patriotic harangues were heard, and with steady tramp the troops marched on, escorting the members of the Convention to the fort. The ceremonies of the day were completed; and James Moore was proclaimed by the united acclamations of the whole people, Governor of South Carolina in the name of his majesty the King of England.

A P P E N D I X.



APPENDIX.

LIST OF PAPERS, IN STATE PAPER OFFICE, LONDON; RELATING TO SOUTH CAROLINA, TO 1700.

NORTH CAROLINA, B. T., VOL. I.

1682, May 10. Instructions for Joseph Moreton, Esq., one of the Landgraves of Carolina, and Governor of that part of our Province that lies South and West of Cape Feare.

1682, July 31. Articles of Agreement between the Lords Proprietors of Carolina and the Hon'ble Sir John Cockran and Sir George Campbell, in behalfe of themselves and others designed to settle with them in Carolina.

1674, April 5. The Lords Proprietors to Governor Joseph West.

1681-2, Jan. 12. The Fundamentall Constitutions of Carolina.

1682, ?. Rules of Precedency.

1683, June 22. Lords Proprietors to "Our Governor, our Deputys & Parliam't of that part of Province of Carolina that lies South & West of Cape Feare."

1683, Sept. 30. Lords Proprietors to the same.

1683, Sept. 30. Same appointing John Moore Receiver General of that part of Carolina that lies South & West of Cape Fear.

1682, Aug. 17. The Fourth Fundamentall Constitutions of Carolina. [N. B. These contain much more than the *third* above of 12th Jan'y, and embrace 126 different Articles, instead of 120 only.]

1682, Nov. 20. Rules for granting Land.

1682, May 18. Commission to Henry Woodward & all who are willing to attend him to search and make discoveries in "the Inland of Carolina."

1683, Sep. 30. Lords Proprietors to Gov., Council & Parliam't of Carolina South and West of Cape Fear.

1665, June 30. The Second Charter.

1684-5, Mar. 13. Lords Proprietors to Gov., &c., (as above.)

1684-5, Mar. 12. Instructions to Joseph West, Esq., one of the Landgraves, & Gov. of that part, &c., South & West, &c.

1684, April 29. Lords Proprietor to Sir Richard Kyrle, appointing him Governor.

1684, April 10. Same to Gov., Deputyes & Grand Council.

1684, June 25. Same to Sir Richard Kyrle.

1684, Mar. 4. Same to Lord Carterett. This and the preceding letter relate to the settlement of the Scotch in Carolina.

1684, June 28. P. Colleton (dated St. James') to Sir Richard Kyrle, Governor at Charles Town.

1684, June 9. Lords Prop'r's to the Gov'r of that part, &c.

1684, March 25. [See Vol. 3, 1686-7, Mar. 3.] Letter from Stuart's Town on Port Royal, signed "Cardross," Will. Dunlop, "Hamilton," & "Montgomerie," to the Gov'r, &c., at Charles Town.

1684, July 17. [See Vol. 3, 1684, July 11 & 25.] Same signed "Cardrosse" only to Rob't Quary, Governor.

1684-5, Jan 10. Same, (signed by all four.)

1685, July 17. Will. Dunlop to . Also Exam. & Depos. concerning Dr. Henry Woodward & his Associates. Warrant from Col. John Godfrey, Pres. of the Council at Charles Town, for apprehending Lord Cardrosse, John Hamilton, &c. The Marshal's (Caleb Westbrooke's) Return, and Letter from Dr. H. Woodward to Col. Godfrey, Dep'y Gov'r.

1685, Nov. 20. Declaration of twelve members of the Commons met in Parliam't Chamb'r at Charles Town, and excluded thence this 20 Nov. '85.

1685, Oct. 6. Minute of Capt. Quarry's Protest against Bernard Schenkingh being High Sheriff of Berkeley County—at a Pallatine's Court at Charles Town.

1685, Nov. 17. Warrant signed by Joseph Morton & five others to apprehend Ralph Izard, for having carried away a black box belonging to *Secretary Robert Quarry*, containing Records of the Province.

NORTH CAROLINA, B. T. VOL. 2.

Boundaries of the First & Second Patent.

1663, May 23. Minute appointing Officers, & ordaining rules for the Government of Carolina.

1663, Commission to Sir. W. Berkeley, to constitute & commissionate a Gov. for Albemarle River.

1663, ?. Instructions for Sir W. Berkeley, Gov. of Virginia, in relation to the settling & planting some part of the Province of Carolina.

1663, Sept. 8. Letter from [Duke of Albemarle ?] dated from the "Cockepitt," to Sir W. Berkeley.

1663, August 30. Same ? dated "Cockepitt," to Col. Tho. Modyford & Peter Colleton, Esq.

1663, Aug. 31. Same to Lord Willoby.

1663, Aug. 12. Proposals of several Gentlemen of Barbadoes; also letter from Col. Modyford & P. Colleton to "My Lord" [Albemarle ?], advising that persons be appointed with His L'ps Instructions to treat on the above Proposals, giving power to choose a Governor, Mayor, Aldermen, &c. &c.—Answer to certain Demands & Proposals (as above) to the Lords Prop'r's of Carolina.

1663, Sept. 9. Letter from [the Lords Prop'r's ?] to in answer to the Proposals of the 12th of August.

1663, Aug. 12. Order in Council revoking all former Grants, & granting absolutely the Province of Carolina to the D. of Albemarle, &c., &c., &c.

1664, Nov. 14. Commission appointing Robert Samford, Secretary & Chief Register of the County of Clarendon.

1654, Nov. 20. Same appointing John Vassall, Surveyor Gen'l of same.

1664-5, Jan. 11. Same—Sir J. Yeamans, Governor of Same.

1664-5, Jan. 11. Lords Prop'r's to Sir J. Yeamans.

1664-5, Jan. 7. Boundaries of Sir J. Yeamans' Governm't.

1667, October. Commission from the Lords Prop'r's to Sam. Stephens, Gov. of Albemarle, to Grant Lands, &c. "Instrucōns for o'r Governor of ye County of Albemarle," &c.—Commissions from the Lords Prop'r's to Sam. Stephens to grant Lands upon the same terms & conditions as in Virginia.

1671, Aug. 21. Commiss'n from the Lords Prop'r's to Sir John Yeamans to be Governor of all that Part of Carolina that lyes to the Southward & Westward of Cape Carteret.

1671-2, Jan. 2d. The Lords Prop'r's to Capt. Halstead—have rec'd his Despatches—are well satisfied with his management of their affairs, and send further Instructions (10 Articles).

1671, Dec. 18. Lord Ashley's Deputation to Maurice Matthews, to represent him in Carolina.

1671, Dec. 30. Commiss'n appoint'g John Culpeper Surveyor General of Carolina to the South & West of Cape Carteret.

1671-1686. List of Landgraves; also of Cassiques. Do. of Deputy's.

1672, June 24. Commis'n appointing Joseph West "Register of all Wrightings & Contracts."

1672, Aug. 31. Concessions of the Lords Prop'r's "to certain persons in Ireland," who plant in Carolina within one year of the date hereof.

1674, Ap. 25. Commission to Jos. West, Governor, granting him power to grant lands and other powers and priviledges.

1674, May 18. The Lords Proprietrs. to, concern'g Mr. West, Sir John Yeamans, &c., &c., returns *Acts of Parliam't made in the latter end of Sir J. Yeamans' Governm't confirmed.*

1674, ? "Instructions to Mr. Jos. West, o'r agent att Ashley River."

1674, May 23. Instructions to the Gov. and Council at Ashley River, concern'g Andrew Percivall "Governor of o'r Planta~~c~~on in Loch Island."

Same date. Instructions to Andrew Percivall, Governor of the plantation to be settled on both sides Edisto or Ashipow River.

1674, May 19. Lord Cornbury's appointmt. to Step. Bull, his Deputy.

1674, Dec. 4. Commiss'n appoint'g John Richards Treasurer and Agent in Carolina.

1675, June 10. Commiss'n from Anthony, Earl of Shaftesbury, Chief Justice of Carolina, to And. Percivall, appointing him Register of Berkeley County, and the parts adjoining.

1676, Ap. 17. Commis'n appoint'g Will. Saxby, Treasurer and Agent in Car.

1676, June 13. Declaration of the Lds. Proprs. promis'g and agreeing to "sett out" one whole Collony of 12000 English acres of land to Mr. John Berkeley, Mr. Simon Perkins, Mr. Anthony Laine, and Mr. John Pettitt, upon their landing in Carolina.

1676, Oct. 21. Lds. Proprs. to Govern't and Assembly of Albemarle.

1676, Nov. 21. Same, appointg. T. Eastchurch, Govr., &c., of same.

1676, Nov. 21. Instructions to the Govr. and Council of same.

1677, Ap. 10. Ld. Clarendon, appointg. Rich. Conant his Deputy of the Province of Ashley River.

1676-7, Jan. 29. The Lds. Proprs. to Major Aldrich.

1677, Ap. 10. Lords Proprs. Proclamation forbidding any commerce, trade, or traffic with the Westoes and Cussatoes Indians.

1677, Ap. 10. Lord Shaftesbury to Gov. and Council of Ashley River, concerning Dr. Henry Woodward.

" Lord Shaftesbury appointg. Dr. Henry Woodward his Deputy of Ashley River.

" Articles and agreement of the Lords Proprs. of Car., between themselves, concerng. the Trade there.

" Lords Proprs. to the Gov. and Coun. at Ashley River.

- 1669-1677. Statement of acc. between the Lords Proprs. and Col. Jos. West.
- 1677, Oct. 22. Warrant fr. the Lds. Proprs., authoris'g Mr. Blackleech or the Commander of the "James" Frigate to trade with the Spaniards or Indians at Ashley River.
- 1678-9, Feb. 19. Lds. Proprs. Commiss'n authorising Robt. Holden to march with such men as he wills, into parts of Carolina not fully discovered, and appointing him Commander-in-chief of same.
- 1679, May 19. Lds. Proprs. to Gov. and Council of Ashley River.
- 1679, Dec. 17. Same to same.
- 1680, May 17. Same to same.
- " Commission and instructions for the Comis'rs, (Col. Jos. West being one,) appointed to hear and determine differences between the Christians and the Indians.
- 1680, June 15. Commis'n appoint'g And. Percivall Secretary.
- 1680-1, Feb. 21. Lords Proprs. to Gov. and Gov. and Coun. at Ashley River.
- " Instructions to And. Percivall, touching the making a Peace with the Indians.
- 1680-1, Feb. 28. Instructions to Capt. Henry Wilkinson, Governor of that part of Carolina that lyes 5 miles south of the river Pemptico, and from thence to Virginia.
- 1680-1, Mar. 9. Instructions to And. Percival and Maur. Mathews, concerning trade with the Indians.
- 1680-1, Mar. 7. Lords Proprs. to Gov. and Council at Ashley River.
- 1680-1, Mar. 26. Same to same.
- 1680-1, May 2. Same to Captain Wilkinson.
- 1680-1, Sept. Same, enjoining obedience to Seth Sothell, the oldest Ld. Propr. in Carol., and consequently Governor.
- 1682, May 10. Lords Proprs. to the Govr., Council and Par- liamt. of Carolina.
- Same date. Instructions for Maurice Mathews or the Surveyor-General of Carolina for the time being. Duplicate in Vol. I.
- 1682, June 5. Lords Proprs. to [Jos. Morton, Govr. ?]
- 1682, May 20. Same to Gov. and Counc. at Ashley River.
- 1682, May 23. Copy of a pardon granted by the Lords Proprs. to Dr. Henry Woodward.
- 1682, June 3. Lds. Proprs. to Gov. and Counc. at Ashley River.
- 1682, June 7. Same. Warrant for land for Mr. John Ashley.
- 1682, July 19. Same. Concerning Mr. John Monke, who is desirous to settle in Carolina with his family.

1682, May 18. Wil. Earl, of Craven, Pallatine of Carolina, His Commission to Jos. Morton, to be Governor, &c.
 1682, July 28. Duke of Albemarle, warrant, granting 1000 acres of land and £50 to Mr. John Monke afores'd.
 1683, May 29. Warrant grant'g 800 acres of land to Mr. Francis Devowsery, for having applied himself to making wine and o'r usefull things in Carolina.—Similar to Arthur Middleton for oil and cotton.
 1683, Dec. 14. Minutes of a Meeting of Lords Proprietors.
 1694, June 16. Minutes of a Meeting of the Lords Proprs.
 1694, July 25.—Same.
 1694, July 28. Same. Also Aug. and Oct.
 1663-1666. Dr. and Cr. Account of the Lds. Proprs.
 1664, Dec. 28. A particular of Ordnance, Arms, Powder, and in order to the planting and settling Port Royall. Fees in passing the charter and duplicate of Carolina.
 1665, July. Fees in passing the last pattent for Carolina.

NORTH CAROLINA, B. T., VOL. 3.

1682, Nov. 21. Warrant to Gov. Jos. Morton, to grant and convey land in Carolina, with form of grant and instructions for granting same.
 " Lds. Proprs. to Gov. Morton, touch'g the settlement of the Scots, and enclos'g a new Fund. Const. dated 17 Aug., 1682.
 1682-3, Feb. 14. T. Biggs appointed Surveyor-General of Albemarle.
 1682-3, Feb. 15. John Monk appointed Muster Master in Carolina.
 1682-3, Mar. 1. Lds. Proprs. to Gov., &c., of Ashley River, 3000 acres of land to be granted to John Gibbs, who is about to settle in Carolina. Duplicate, see Vol. I.
 1682-3, June 21. Same, appoint'g John Moore Secretary of do.
 1682-3, July 4. Instructions for John Moore.
 1682-3, Sept. 28. Lds. Proprs. to Gov. Morton, to convey land sold to R. Steevens and o'rs.
 1682-3, Nov. 6. Same to Seth Sothell.
 1682-3, Dec. 14. Minutes of a Meeting of Lords Proprs.
 1683, Sep. 29. See Vol. 1, 1683, Sep. 30. Instructions for John Moore, appointed Receiver and Escheator of all fines, &c.
 1683-4, Feb. 14. Lords Proprs. to [Gov. of Albemarle?] 1684, Ap. 29. Instructions for same.
 1684, June 3. Rob. Quary appoint'd Deputy to Thomas Amy; Col. Godfrey to the Duke of Albemarle; John Moore to Sir P. Colleton.

1684, June 3. Lds. Proprs. to Sir R. Kyre.
1684, June 9. Lds. Proprs. to the Secretary.
1684, June 3. Robt. Quarry appointed Clerk of the Crown and
of the Peace.
1684, July 11. Same to Govr. Kyre and Deputys.
1684, July 25. Same to same, grant'g 3000 acres to William
Thorogood.
1684, Oct. 25. Same to same, ditto to M. Charasse, "well
skilled in druggs," &c.
1684, Nov. 15. Same to same.
1684-5, Feb. 16. Same to Gov. West.
1684-5, Mar. 20. Robt. Quarry appointed Secretary and Re-
ceiver-General, Sou. and West of Cape Fear.
1684-5, Mar. 20. Lds. Proprs. to Step. Bull, Surveyor-
General.
1684-5, Mar. 13. Same to Gov. West.
1684-5, Mar. 13. Instructions for Robt. Quarry, Receiver, &c.
1684-5, Mar. 13. Same for same, Secretary.
1684-5, Mar. 11. Commission to Jos. West, appoint'g him
Govr., &c.
1685, Ap. 14. Lds. Proprs. to Gov. West to convey 500 acres
to J. Du Gué.
1685, Ap. 17. Same to convey 500 to Isaac Le Jay.
1685, Ap. 16. Same same Ch. Franchomine.
1685, Ap. 14. Same to convey 350 acres to Isaac Fleury.
1685, Ap. 22. Same to convey 3000 acres to Wil. Shaw.
1685, May 5. Lds. Proprs. to Gov. West, alteration in his
instruct's.
1685, June 23. Lds. Proprs. to convey 100 acres to N. Lon-
guemar.
1685, June 26. King James to the Lds. Proprs. concern'g
Carolina.
1685, July 6. Lds. Proprs. to Gov. West.
1685, July 30. Same to same, to convey 3000 acres of land to
J. F. de Genillat, the first Swiss settler.
1685, Sept. 9. Lds. Proprs. to Gov. Moreton.
1685, Sept. 10. Same to same.
1685, Sept. 26. Same to same, to pass grants to James Le Bas
for 3000 acres of land.
1685, Oct. 1. Same to same, for 1000 acres to And. Percival.
1685, Oct. Commiss'n for Alex. Dunlop, to be Sheriff of Port
Royall County. (Minute of same only.)—The Sur-
veyor-General's oath.
1685, Nov. 18. Lds. Proprs. to Gov. Moreton, to commissionate
Alex. Dunlop, Sheriff of Port Royal County.
1685-6, Jan. 26. Same to same, for 3000 acres to Arnald
Bruneau.
1685-6, Feb. 15. Lds. Proprs. to Governor Moreton.

1685-6, Mar. 2. Same to same, 1000 acres to Josias Forrest.
 1686, Apl. 15. Same to same, 200 acres to Jas. Nicholas.
 1686, Apl. 26. Same to same.
 1686, Apl. 29. Same to same, 500 acres to Chas. Colleton.
 1686, Aug. 31. Same to Gov. Colleton, 100 acres to Js. Le Grand.
 1686, Aug. 31. Same to Gov. Colleton, 100 acres to Jas. Le Moyne.
 1686, Aug. 31. Lord Craven, Palatine of Carolina, his commission appointing Jas. Colleton Govr. and Commander-in-chief.
 1686, Sept. 4. Lds. Proprs. to Gov. Colleton to pass grants for 1000 acres of land to Henry Augustus and Alexander Thezée Chastaigner, Seigneurs de Cramahé and Lisle.
 1686, Aug. 30. "Power to Trustees to lett land."
 1686, Aug. 30. Instructions for granting of land.
 1686, Sept. 16. Lds. Proprs. to Gov. Colleton, giving him power to remove Robt. Quarry from his place of Secretary, if the reports of his misbehaviour are true.
 1686, Oct. 20. Same to same, to grant to John D'Arsens (the first of his nation,) any quantity of land not exceeding 12,00 acres
 1686, Nov. 2. Lds. Proprs. to Gov. Colleton, 1000 acres to Maur. Mathews.
 1686, Dec. 7. Same to same. 3000 acres to Jas. Martell Goulard de Nervant.
 1686, Dec. 7. Same to same. 12,000 acres to same.
 1686-7, Mar. 3. Instructions for James Colleton, Esq., one of the Landgraves and Governor of that part of Carolina that lyes South and West of Cape Fear.
 Same date. Lds. Proprs. to Governor Colleton (2).
 Same date. Same to Lord Cardross, touch'g his Lordship's ill-usage in Carolina.
 Same date. An Act for restraining and punishing Privateers ratified in open Parliam't, 23 Nov., 1685, by Lds. P., 3 Mar., '86-7.
 1687, May. Lds. Prop. to Gov. Colleton, 40,000 acres of land for John Price, created Landgrave.
 1687, July 13. Same to same. 626 acres to James Boyd.
 1687, July 14. Same to same. 3000 acres to Jean Louis de Genillat, and 3000 acres to Arnald Bruneau, to be granted rent free, being a free guift from the Lords Proprs.
 1687, Ap. 11. Geo. Muschamp to Lds. Proprs. from Charles Town.
 1687, July 7. F. Powis to same, on G. Muschamp's letter.
 1687, Oct. 10. Lds. Proprs. to Gov. Colleton. 600 acres to Joach. Guillard.—Opinion of, concern'g Muschamp's Complaint

1687, Oct. 10. Lds. Proprs. to Gov. Colleton. Form of Oath to be taken by the Gov. of Carolina.

1687, Oct. 17. Lds. Proprs. to Mr. Grimball, appointing him Secretary, Receiver and Escheator in Carolina.

1687, Oct. 10. Instructions for Paul Grimball, Secretary.

1687, Oct. 10. Same for same, Receiver and Escheator.

1687, Oct. 10. Lds. Proprs. to Benjamin Blake, appointing him Clerk of the Crown and Clerk of the Peace.

1687, Aug. 20. King James to Sir Robert Holmes, abt. Pirates.

1687, Oct. 13. Same to Ld. Craven? concern'g Pirates.

1687, Oct. 22. Same, touch'g wrecks, moiety due to the King.

1687, Nov. 25. Lds. Proprs. to Governor.

1687-8, Jan. 22. King James, conc'g Sir R. Holmes, Commiss'r for the suppression of Pirates and Privateers.

1688, Ap. 12. Lds. Proprs. to Governor.

1688, Ap. 16. Same to same.

1688 June 19. Same. 12,000 acres to Dr. Christ. Dominick.

1688, June 10. Privy Council to Ld. Craven to proclaim birth of a Prince.

1688, July 4. Lds. Proprs. to Gov. Colleton, complains of not hearing from him.

1688, July 4. Same to Sec. Grimball abt. same.

1688, July 4. Same to Gov. Colleton.

1688-9, Feb. 19. Privy Council to proclaim Wil. and Mary in Carolina.

1688-9, Feb. 19. Oaths to be taken instead of oaths of alleg. and supremacy.

1688-9, Mar. 1. Lds. Proprs. to Gov., enclos'g the above.

1688-9, Mar. 15. Same. 400 acres to Thomas Smith.

1689, Nov. 20. Same. 500 acres to John Stewart, a free guift for promoting cotton, silk, &c.

1689, Nov. 19. Lds. Proprs. power to Gov. &c. to grant lands.

1689, Dec. 5. Same, appoint'g Col. Philipp Ludwell, Governor of Carolina, North and East of Cape Fear.

1689, Dec. 5. Instructions for Gov. Ludwell.

1689, Dec. 2. Lds. Proprs. to Seth Sothell, suspend'g him from the govern't.

1689, Dec. 2. Same to Gov. Jas. Colleton.

1689, Nov. 19. Same, appoint'g John Beresford Clerk of the Crown and Clerk of the Peace.

1689, Dec. 9. Lds. Proprs. to Gov., to assign 12,000 acres granted to John d'Arsens to Thos. Smith, who has married his widow.

1689, Dec. 23. Same. 140 acres to Elias Prioleau.

1689, Dec. 23. Same, concern'g land granted to James le Bas, and purchased from Landgrave Joseph West.

1690, Sept. 23. Same, touch'g land granted to R. Stevens and B. le Roux.

1690, Oct. 6. Same to P. Grimbald, Receiver.

✓ 1690, Oct. 6. Same, appoint'g Thos. Smith, Governor and Commander-in-Chief of Carolina, So. and West of Cape Fear.

1690, Oct. 18. Lds. Proprs. to And. Percivall.

1690, Oct. 18. Same to Gov. and Deputys at Ashley River.

1690, Oct. 18, L'd's Prop'r's to Jas. Colleton, Paul Grimbald, and the rest of our Trustees, for granting Land.

1691, May 13. Same to the Grand Council.

1691, May 13. Same to Landgrave Jas. Colleton, Thos. Smith, Stephen Bull, Ralph Izzard & John Farr.

1691, May 13. Same to Governor & Deputys, appoint'g a Sheriff & Justices for Berkley County.

1691, May 13. Same to John Comings, appoint'g him Deputy.

1691, May 13. Same, appoint'g Bernard Skenking, Sheriff or Chief Judge of Berkley County.

1691, May 12. Same to Deputys So. & West of Cape Fear.

✓ 1691, May 13. Same to Seth Sothell, Jas. Colleton, Thos. Smith & Bern. Skenking, touch'g the Cherokees.

1691, May 12. L'd's Prop'r's to Gov. Seth Sothell; pleased to find by his letters of 21st Oct. that he will submit to their Ldps. Instruc. for the Govern't.

1691, May 13. Same to same, touching the Records, &c.

1691, May 13. Same to the Grand Council.

1691, May 27. Same to the Gov., Deputys, &c., touching the Act, (22 Dec. 1690,) to disable Jas. Colleton from bearing or exercising any authority, Civil or Military, &c.

1691, May 27. Same to same, displacing & removing George Muschamp, John Berresford & John Harris from being Deputys.

1691, May 27. Same to same, altering Instructions touching the appoint't of Depntrys.

1691, May 27. Same, appoint'g R. Conant Clerk of the Crown & Peace.

1691, May 27. Same to Gov. Sothell & Deputys, &c., disallowing the Act touch'g Jas. Colleton.

✓ 1691, Sept. 22. Same to same, disallow'g Acts passed by Sothell, &c., &c.

1691, Nov. 8. Instructions for Col. Philipp Ludwell, Governor of Carolina.

✓ 1691, Nov. 8. Commission appoint'g Col. P. Ludwell, Governor.

1691, Nov. 8. Private Instructions for Col. Ludwell.

1691, Nov. 8. L'd's Prop'r's to Seth Sothell, suspending him from the Gov't of Carolina, & Command'g him to yield due obedience to Col. Ludwell, appoint'd Governor.

1691, Nov. 8. Additional Instructions to Col. Ludwell.

1691, Nov. 8. L'd's Prop'r's grant'g 300 Acres to James Jones.

1691, Nov. 8. Same to the Trustees for land, ab't the purchase of land.

1691, Nov. 8. Same. Proclamation ag't Seth Sothell, &c.

1691, Nov. 2. Commission (from Lord Craven alone) appoint'g Col. Ludwell Gov'r. (The Comis'n dated the 8th is from all the L'ds Prop'rs.)

1692-3, Feb. 6. L'ds Prop'rs—Power & Authority to the Gov. to grant Lands, with Rules & Instructions for granting of Land.

1693, Ap'l 7. Ld's Prop'rs to Gov. Ludwell.

1693, Ap'l 7. Same to same, disallowing an Act to provide indifferent Jurymen in all causes, Civil & Criminal.

1693, Ap'l 12. Same. Pardon & Release, &c., to all the Inhab. of Carol. for all Crimes & Offences committed before Col. Ludlow, Comis'n for Governor.

1693, Ap'l 12. Same, appoint'g Thos. Smith, Sheriff or Chief Judge of Berkley County.

1693, Ap'l 10. L'ds Prop'rs, disallowing An Act to regulate the elections of Members of Assembly.

1693, Ap'l 10. Same. Order concerning the Estates of Aliens.

1693, Ap'l 10. Same—empower'g Gov. Ludwell to appoint Sheriffs or Chief Judges of Counties.

1693, Ap'l 12. Lords Prop'rs to Gov. Ludwell.

1693, Ap'l 10. Same to Deputys & Council.

1693, Ap'l 12. Same to Paul Grimball.

1693, Ap'l 12. Same to Mr. Trouillard, Minister, & others, touch'g their compl'ts ab't the forfeiture of Aliens' Estates.

1697. Accounts of land sold, to whom, &c. &c.

1697, Sept. 29. Copy of Mr. Amy's Grant of Mr. Sothell's Proprietorship. Copy of an Instrument sent to Col. Blake, Governor of Carolina, for him to sign & seal, relating to Mr. Amy's Grant for a Proprietorship.

1698, Ap'l 11. The Fundamental Constitutions of Carolina, agreed on by all the Lords Prop'rs, & signed & sealed by them. (the Original being sent to Carolina by Major Damel.) [These were the 5th and *last*, and contain 41 articles.]
The Form of a Patent for Landgrave.

N. B. At the end of this Volume is written the fol'g :
"The first payment of the rent for the Province of Carolina is to begin the feast of All Saints, 1665, and is twenty markes per annum."

1682 & 1685. Accounts of L'd Prop'rs.

NO. CAROLINA, B. T., VOL. 4.

1693, May 11. L'ds Prop'r's Proclamation conc'g Seth Sothell.
 1693, May 11. Same to Gov. Ludwell.
 1693, Nov. 29. Instructions for Thos. Smith, Gov'r of Carolina.
~~1693, Nov. 29.~~ Commission to Thomas Smith, appoint'g him Governor & Commander in Chief of Carolina.
 1693, Nov. 30. Additional Instructions to Gov. Smith.
 1693, Nov. 29. Comis'n for Gov. Smith to appoint Chief Judges, &c.
 1693, Nov. 29. L'ds Prop'r's to Gov. Smith.(2)
 1694, Ap'l 24. Same to Gov. Smith.
 1694, Ap'l 24. Same to same & Deputys.
 1694, Ap'l 26. Same to Col. Ludwell.
 1694, Ap'l 27. Same to Gov. & Deputys.
 1694, May 19. Same to Gov. Smith.
1694, Aug. 31. Commission appoint'g John Archdale, Esq., "Governor of South & North Carolina."
 L'ds Prop'r's appoint'g Ferdinando Gorges, Attorney General of Carolina.
 1694, Aug. 31. L'ds Prop'r's to Gov. Smith & Deputys. This is the last letter addressed to Smith as Governor, & informs him that Archdale is about to leave England.
 1694, Aug. 31. Instructions to Gov. Archdale.
 1694, Oct. 17. L'ds Prop'r's to Landgrave Jas. Colleton, touching the payment of salary due to him.
 1694, Oct. 17. Further Instructions for Gov. Archdale.
 1694, Oct. 17. L'ds Prop'r's to Gov. Archdale. 12,000 acres for Thos Amy.
 1694, Oct. 17. Same to same—6000 Acres to Gab. Odingsells & Comp'y.
 1694, Nov. 24. Patent for Landgrave granted John Archdale.
 1694, Oct. 17. Lds. Prop'r's to P. Grimball to pay John Archdale, Governor, his Salary of £200 pr. ann. half yearly.
 1694, Dec. 27. Same to Gov. 3000 acres to James Boyd.
 1694-5, Jan. 10. Same to Gov. Archdale.
 1695, Mar. 27. Same to same.
 1695, April 12. Same to P. Grimball.
 1695, June 28. Same to Col. P. Ludwell.
 1695, June 28. Same to Gov. Archdale.
 1695, June 28. Same to Paul Grimball.
 1695, Aug. 23. Same to Gov. Archdale.
 1695-6, Jan. 29. Same to same.
 1696, Ap'l 23. Same to same, enclos'g let. from the Lords of Council for publishing in Carolina "An Act for preventing frauds, and regulat'g abuses in the Plant'g Trade."

1696, June 17. Lords Prop'r's to Gov. Archdale.
 1696, Sept. 10. Same to same.
 1697, Ap'l 25. Same to same.
 1697, Ap'l 25. Same to Gov. Blake.
 1697, Aug. 30. Same to same.
 1697, Dec. 20. Same to same.
 1697, Dec. 20. Same to same, Deputys & Council.
 1697, Dec. 22. Same to same, concern'g Boundary.
 1697-8, Feb. 5. Same—Commission for Nicholas Trott to be Attorney General for South Carolina.
 1697-8, Mar. 8. Instructions for N. Trott, Attorney General do.
 1697-8, Mar. 8. L'd's Prop'r's to Thomas Cary, Receiver General of So. Carolina, to pay £40 p'r ann. Salary to N. Trott.
 1697-8, Feb. 5. L'd's Prop'r's to N. Trott, appointing him Naval Officer of So. Carolina.
 1697-8, Mar. 8. Instructions for N. Trott, Naval Officer of So. Car.
 1697-8, Mar. 8. Lords Prop'r's to Gov. Blake.
 1697-8, Mar. 8. Same, appointing the Rev'd Samuel Marshall "Register of all Births, Marriages & Burials in So. Car."
 1698, Apr. 1. Lords Prop'r's to Edmund Bellinger, appointing him Surveyor General of So. Carolina.
 1697-8, March 21. Lords of H. M. Council to the Lords Prop'r's of Carolina, concern'g complaints of Pirates, &c.
 1698, Apr. 11. Lords Prop'r's to Gov. Blake.
 1698, Apr. 11. Same to same, Deputys & Council.
 1698, Apr. 11. Same, confirming "an Act for mak'g aliens free, &c."
 1698, Apr. 11. Copy of a Landgrave's Patent—six whereof were engrossed and sent (Blanks) to Carolina with Eight Patents for Cassiques by Major Daniel.
 1698, May 22. L'd's Prop'r's, Commission appoint'g Edm'd Bohun Chief Justice or Judge of South Carolina.
 1698, June 2. L'd's Prop'r's to Thos. Cary, Receiver to pay to Ed. Bohun, Chief Justice, £60 pr ann., Salary.
 1698, Aug. 16. L'd Prop'r's to Gov. Blake, Deputys & Council. ✓
 1698, Aug. 16. Same to Gov. Blake.
 1698, Aug. 16. Same, appointing Gov. Blake & o'rs to inspect the accounts of Thos. Cary & James More, (Receivers).
 1698, July 26. Lords Prop'r's appoin'g John Ely, Receiver Gen'l of So. Car.
 1698, Aug. 16. Instructions for John Ely, Receiver General.
 1698, May 7. Capt. Edmund Bellinger, had a patent for Land-grave granted him for w'ch he is to pay £100.
 1698, Aug. 16. The like to John Bayly on similar terms.
 1698, Sept. 28. Mr. Amy to James More, Secretary.

1698, Nov. 13. Ja. Vernon to the Lords Prop'r's enclosing the King's Orders and Instructions, relating to Trade and Navigation.

1698-9, Feb. 23. Lds. Proprs. to Gov. Blake, &c., enclosg. the above Orders, &c.

✓ 1699, Sept. 21. Lds. Proprs. to Gov. Blake, Deputys and Council.

1699, Sept. 21. Same to Ed. Bohun, Chief Judge of Carolina.

1699, Sept. 21. Same to John Ely, Receiver-General.

✓ 1699, Oct. 19. Same to Gov. Blake.

1699, Oct. 19. Same to N. Trott, Attorney-General.

1699, Oct. 19. Same to John Ely, Receiver-General.

1699, Dec. 20. Same to Gov. Blake and others.

✓ 1699, Dec. 20. Same to Gov. Blake, Deputys and Council.

CAROLINA, (AM. AND W. IND., 479.)

1628-9, March 19. Curious Paper in Latin, concern'g the first (?) Settlement of Carolina, conditions of same, &c.

1628-9, March 19. Ditto in French, touching the Settlement in Carolina of French Protestants.

1628-9, ? Mar. 11. "Articles demandée à Monsieur l'Atourne-General par le Baron de Sancé."

1629, Oct. 17. Propositions touchant une Plantation et Colonie de 2000 hommes en Floride, &c., q. ? Carolina.

1629-30, Feb. 10. Very interesting Document; the Attorney-General is prayed to grant by Patent 2 Degrees in Carolina, &c.

1630, May 15. Articles of Agreement between Rt. Hon. George Lord Berkley and Wil. Boswell, Sam. Vassall, Hugh L'Amy and Peter de Liques, concern'g Plantations within the Province of Carolina.

1632, Apl. 20. Instructions to be observed in the Plantation of Carolina.

1635, April. Petition to the King from P. D. L. and Propositions, &c., to disburden a Kingdom of all poor and enrich itself by a powerful Trade, by a plentiful Colony, (? Carolina).

1635, May 11. Sir Henry Martens' Reports to the Lords concern'g Mr. Kingswell, a settler in Carolina, the bad provisions supplied, &c., &c.

1635, May 11. Petition of Ed. Kingswell, concern'g the breaking of a contract to transport himself and family to Carolina, &c.

Charles I. ? A project for the advancing of the intended Plantation (this is taken to be Carolina.)

Charles I. ? Minutes of the Articles which M. de Sancé wishes inserted in his Patent (French).

Charles I. ? Conditions offered to those who "goe to dwell in Carolina."

Charles I. ? "Articles concedez et accordez par Monsieur l'Atorné-General à Mons. le Baron de Sancé."

Charles I. ? "Memoyre de ce que nous esperons mener de premier voyage à la Carolina," &c.

Charles I. ? "A particular of such necessaries as either private families or single persons shall have cause to provide to goe to Carolina."

SOUTH CAROLINA. (AM. AND W. IND., 497.)

✓ 1699, June 10. Gov. Jos. Blake and Jos. Morton to Sec. Vernon.

1699, July 24. Gov. Blake to Secretary Vernon. [N. B. This letter was taken out of the water from the wreck of a ship which was lost with all her men in Sept. 1699, and enclosed by Sidney Bligh to Secretary Vernon.]

1699, 1700, Jan. 12. Gov. Blake to Secretary Vernon.

1700, May 27. Ed. Randolph to same.

1700, June 10. Gov. Blake to same.

1700, June 10. Same to Secretary, the Earl of Jersey.

PLANTATION-GENERAL. (Am. AND W. IND., 485).

1580 about. "Pointes sett downe by the Committees appointed in the behalfe of the Companie to conferre w'th Mr. Carleill upon his intended discoverie and attempte in the Northern partes of America."

1580, about. "The Generall description of America or the New World."

1634 Apl. 28. "A Commission for ye makeing Lawes Orders for Goverment of English Colonies planted in Forraigne Parts."

1657, July 25. Memorial of Renè Augier, praying the Grant of a Patent, to settle with French Protestants near one of the Colonies.

1670-1, Mar. 20. The King to the Attorney-General for enlarging the Council of Plantations.

1680, May 19. Copy of Mr. Blathwayt's Patent to be Surveyor and Auditor of the Plantations.

1680, Nov. 3. Order in Council. Governors of Plantations not to return home without leave in Council.

1684 ? "Certaine Propositions for the better accomodating the Forreigne Plantations with Servants."

PROPRIETIES. B. T., VOL. 1.

1696, Nov. 5. Order in Council upon a Petition of the Lds. Prop'r's of Carolina, &c.; &c., relating to the Representation of the Council of Trade for appointing Attorneys-General in the Plantations.

1696, Nov. 10. Presentment from the Com'r's of Customs to the Treasury upon a Memorial of Mr. Randolph concerning Illegal Trade in the Proprieties.

1696, Dec. 4. Attorney-General's Opinion about erecting Courts of Admiralty in the Proprieties.

1696, Dec. 4. Memorial of the Lds. Proprs. relating to same.

1696-7, Jan. 21. Ditto.

PROPRIETIES. VOL. 2

1697-8, Feb. 16. List of Officers in the Court of Admir'ty, So. Car.

PROPRIETIES. VOL. 3.

1698-9, Mar. 1. Letter fr. James Moore to —— touching his discoveries of Indian Trade, &c., in Carolina.

1698-9 Mar. 22. E. Randolph, to Earl of Bridgewater relating to silver mines in South Carolina—also letter & Memorial from T. Cutler, ab't same.

1698-9, Mar. 16. E. Randolph to Lords of Trade, relating to the Inhabitants, &c., of So. Carolina.

1698-9, Mar. 16. Number of the French Protestant Refugees of the French Church of Charlestown.

1699, July 31. W. Thornburgh to Wm. W. Popple—ab't Carolina Rice.

PROPRIETIES. VOL. 4.

1699, Sept. 27. John Smith to W. Popple, ab't silver mines in Car.

1699, Oct. 11. R. Yard—ab't Dr. Coxe's pretensions to "Carolina."

1699, Nov. 13. J. Vernon to L'ds of Trade, enclos'g Dr. Coxe's Petition touching his pretensions to "Carolina Florida," also, "Abstract of his Title to the present Proprietary unto ye Province of Carolina, alias Florida."

"Demonstration of the just pretensions of the King of England, unto Carolina & of the present Proprietary under His Majesty."

1699, Nov. 13. "Account of the Commodities of the growth & production of Ditto."
 "Copy of King Chas. I., Grant of Carolana alias Florida to Sir Ch. Heath."

1699, Nov. 24. B. Durzy to W. Popple, ab't appoin't of Governors, &c. Petition of the Marquis de la Muce & Chas. de Sailly, French Protestant Refugees to settle in Carolina.

1699, Dec. 12. Attorney General's opinion on Dr. Coxe's pretensions.

1699, Dec. 21. Order in Council about same.

1699-1700, Jan. 8. Dan. Coxe to Lords of Trade, ab't sett'g & Carolina.

1699-1700 Feb. 14. Same. Same.

PROPRIETIES. VOL. 5.

1700, May 13. Earl of Jersey, concern'g & enclos'g Petition'g of several Merchants about the seizure, tryal & condemnation of a Ship in Carolina, (So.)

1700, May 16. E. Randolph to W. Popple.

1700, May 27. Same to Same.
 Account of moneys due to the King for his thirds of seizures in So. Carolina.
 Abstract of E. Randolph's Paper, ab't the mal-administration of Governors in the Proprietary of Carolina, (also, all the other Prop'r's.)

JOURNALS. B. T., VOL. 2.

1678-9, Feb. 10. Min. touch'g the pet. of Réné Petit ab't Foreign Protestants being transported to Carolina.

1678-9, Mar. 4. Min. request'g opinion of Com'rs of Customs therein.

VOL. 3.

1679, May 22. Report upon the above.

1679, Oct. 29. R. Petit's Petition read in Council & granted.

1679-80, Feb. 8. Min. Touch'g the late Rebellion & the seizure of H. M. Customs by John Culpeper.

1679-80, Feb. 19. Min. concern'g the above.

1680, July 19. Same.

VOL. 6.

1687 Aug. 12. Min. touch'g Mr. Muschamp's complaint of Illegal Trade.

1687, Oct. 25. Min. touch'g Mr. Muschamp's complaint of Illegal Trade.
 1688, Aug. 16. Min. touch'g Capt. Spragg's Complaints of Illegal proceedings of the Governor.
 1689, May 16. Min. ab't the expediency of bring'g the Prop'r's of Maryland, Pennsylvania & Carolina under a nearer dependance on the Crown.

VOL. 9.

1696, Nov. 16. Concern'g the settlement of Att'y's. Gen. in the Plantations.
 1696, Dec. 7. About erecting Courts of Admiralty.
 1696, Dec. 14. Same.

VOL. 11.

1698, June. Touch'g George Harris' Complaint of damages received in Carolina upon pretence of his being a Foreigner.

VOL. 12.

1699, July 3. Min. ab't the present Gov. not being approved by the King.
 1699, Sept. 27. Touching the discovery of Silver Mines.
 1699, Oct. 12, to 1700, Feb. 16. Concern'g Dr. Coxe's Pretensions to Carolana Florida. (See also, Proprieties, Vol. 4.)
 1699, Dec. 12. Concern'g the settlement of a new trade with some Western Indians from Carolina.

The two following letters are copied from Chalmers' Pol. Ann.

THE LORDS PROPRIETORS TO SIR WM. BERKELEY.

Cockpit, 8 Sept., 1663.

"Sir,

"Since you left us we have endeavoured to procure, and have at length obtained, his majesty's charter for the province of Carolina: A copy of which we do herewith send you. Since the sealing whereof there hath started a title, under a patent granted in the 5 year of King Charles I. to Sir Robert Heath, under which there hath been a claim by the duke of Norfolk's agents, and another by Sir Richard Greenfield's heirs; but that all those that shall plant notwithstanding that patent are, by an act of king and council, secured, and that patent by king and council made null, and ordered to be made so by the king's attorney in

the courts of law; a copy of which order we herewith send you, so that no person need scruple planting under our patent: Besides, we have many more advantages than is in the other to encourage the undertakers. We are informed, that there are some people settled on the north-east part of the river Chowan, and that others have inclinations to plant there, as also the larboard side, entering of the same river; so that we hold it convenient that a government be forthwith appointed for that colony; And for that end we have, by Captain Whitley, sent you a power to constitute one or two governors and councils, and other officers; unto which power we refer ourselves, we having only reserved the nomination of a surveyor and secretary, as officers that will be fit to take care of your and our interests; the one by faithfully laying out all lands, the other by justly recording the same. We do likewise send you proposals, to all that will plant, which we prepared upon receipt of a paper from persons that desired to settle near Cape Fear, in which our considerations are as low as it is possible for us to descend. This was not intended for your meridian, where we hope to find more facile people, who, by your interest, may settle upon better terms for us, which we leave to your management, with our opinion that you grant as much as is possible, rather than deter any from planting there. By our instructions and proposals you will see what proportions of land we intend for each master and servant, and in what manner to be allowed; but we understand that the people that are there have bought great tracts of land from the Indians, which, if they shall enjoy, will weaken the plantation: first, because those persons will probably keep all those lands to themselves, and so make the neighborhood of others remote from their assistance, in case of danger: secondly, if any new comers would settle near their habitations, they will not, peradventure, admit it without purchasing, and possibly upon hard terms, which will discourage people from planting: Wherefore it is our resolution and desire that you persuade or compel those persons to be satisfied with such proportions as we allot to others, which will be more than any such number of men, to and for whom these proportions are to be given, can manage, and therefore enough; more will but scatter the people, and render them liable to be easily destroyed by any enemy; so that the fixing the way that our instructions mention, will be the best course of settling as we conceive: However, we do leave it to you that are on the place and can best judge. The reason of giving you power to settle two governors, that is, of either side of the river one, is, because some persons that are for liberty of conscience may desire a governor of their own proposing, which those on the other side of the river may not so well like, and our desire being to encourage those people to plant abroad, and to stock well those parts with planters incite us to comply always with all sorts of persons, as far as possibly we can. You will be best able to judge when you

hear all parties, and therefore refer the thing wholly to you. The entrance into Chowan river is difficult, and water but for small vessels. But we understand that there is an entrance, bold and deep water in the latitude of 34, which is near the rivers called the Neus and Pemlico, which we conceive may be best discovered from your parts. In order to which we desire you to procure at freight or otherwise, some small vessel, that draws little water, to make that discovery and some others into the Sound, through which great ships may, peradventure, come to Chowan, and give us admittance into the other brave rivers that lie in the Sound; and, whilst they are abroad they may look into Charles river, a very little to the southward of Cape Fear, and give us an account of what is there. This work we hold necessary to be done, that the king may see we sleep not with his grant, but are promoting his service, and his subjects, profit. By Captain Whittey's relation, you may easily pass by land and river from your government to Chowan river, and ride but twenty-five miles by land, which makes us presume earnestly to entreat you to make a journey thither, whereby you may, upon your own knowledge, give us your opinion of it, and direct such discoveries to be made by that river as you shall see fit.

We remain, &c."

THE PROPRIETORS TO THE GOVERNOR AND COUNCIL AT ASHLEY RIVER.

" Whitehall, 8 May, 1674.

" Gentlemen :

" We have herewith sent a patent to Mr. West to be landgrave, and a commission to be governor, who has all along, by his care, fidelity, and prudence, in the management of our affairs to our general satisfaction, recommended himself to us as the fittest man there for this trust. This we cannot forbear plainly to say, though we have a great regard to Sir John Yeamans, as a considerable man that hath come and settled amongst us. When Mr. West had formerly the management of affairs, things were then put into such a posture (as appears by the act of parliament made at the latter end of his government, which we herewith send you confirmed). Then we had some encouragement to send supplies to men who took into consideration how we might be reimbursed as well as they could, which was all we expected : But immediately with Sir John Yeamans' assuming the government the face of things altered. The first news was of several proposals for the increasing of our charge ; the same hath ever since continued on, and in our very last dispatches a scheme sent to us of ways of supplying you, which would presently require the disbursement of several thousand pounds ; and all this without the least mention

of any thought how we might be repaid either our past debts, which already amount to several thousand pounds, or be better answered for the future : But, instead thereof, complaints made and reproaches insinuated, as if we had dealt ill or unjustly by you, because we would not continue *to feed and clothe you without expectation or demand of any return.* This, we must let you know, put a stop to your supplies more than the Dutch war : For we thought it time to give over a charge which was like to have no end, and the country was not worth the having at that rate : For it must be a bad soil that will not maintain industrious people, or we must be very silly that would maintain the idle. But we have no suspicion at all of the barrenness or any bad qualities of the country, which some of us are so well assured of, that at their own private charge they are going to settle a plantation at Edisto, without expecting a farthing assistance from us. That Sir John Yeamans's management has brought things to this pass, we are well satisfied, which yet we cannot charge upon his mistake ; the character we have received of him, and his long acquaintance with Barbadoes and the world, give us other thoughts of him ; and perhaps it would very well have served his purpose if we had supplied you, and he had reaped the profits of your labour at his own rates, and our own plantation been so ordered, that in reputation, people and improvement, it might arrive at no other pitch than to be subservient, in provisions and timber, to the interest of Barbadoes. Considering at what rates Sir John bought your poor planters provisions in their necessity, and how industrious and useful to you the generality of the people that came from Barbadoes have been, and then tell us whether we have not reason to be of this mind : For we would not have those that went from hence (whom we are still willing to encourage) be any longer misled ; and the people that have come to you from New York and the northward, have, by their planting and way of living amongst you, fully satisfied us that they are friends to, and do in earnest mean and desire the settlement and prosperity of our province. Being therefore willing to give all reasonable encouragement to honest and industrious men, we have sent another supply for clothes and tools, and have entered into an engagement one to another to send one yearly to you, whereby our stores shall never want necessaries for the use of the industrious planter, to be had at moderate rates by those that will pay for them : Yet we do not intend any more carelessly to throw away our stock and charges upon the idle : For, though we, the lords proprietors, have tied one another by covenant, that none shall be behind other in the charge of carrying on this plantation, yet we are all agreed not to make any more desperate debts amongst you, though we intend to be at the charge of procuring vines, olives, or any other useful plants or commodities fit for your climate out of any part of the world, and men skilled in the

management of them. And therefore, if you intend to have supplies for the future, you will do well to consider how you are to pay us, in what commodities you can best do it, and how the trade of those commodities you can produce may be so managed as to turn to account : For, in our trade with you, we aim not at the profit of merchants, but the encouragement of landlords. In your letter you have been frequent in the mention of a stock of cattle ; but, not having paid us for tools and clothes, how do you think that we should be at so far a greater charge in cattle ? You say it will enable you to pay your debts ; but do you not think, if we bring cattle thither, we, who do not want ground, can keep them, and make the profit of our charge, and venture as well as others, especially it being our design to have planters there and not graziers ! For if our inclinations were to stock Carolina at that rate, we could do better by bailiffs and servants of our own, who would be more observant of our orders than you have been ; plant in towns where we directed ; take up no more land than what they had use for ; nor by a scattered settlement, and large tracts of land taken up, not like to be planted these many years, exclude others from coming near them ; and yet complain for want of neighbors. We rest your very affectionate friends,

" CRAVEN, SHAFTESBURY, G. CARTERET."

Some interesting manuscripts intended for insertion in this appendix, are omitted on account of their length. Among them is a copy of the Fundamental Constitutions bearing date 21st July, 1669. The original in the Charleston Library is said to be (but, I think, without good reason,) in the handwriting of Mr. Locke. I consider it, however, a transcript of the Constitutions sent out with Governor Sayle. Among other distinctions it is without the clause relating to the introduction of worship according to the Church of England. This is the true "First Set." That in the Statutes at Large, in Locke's Works, and in Carroll's Hist. Collections is the Second Set, and bears date March 1st, 1669-70. Judge Trott in the Introduction to his Laws, has made the same mistake ; the first set having been repudiated by the Proprietors, and those of March, 1670, published and promulgated in their stead. To those readers who would refer to the Hist. Collections to examine these constitutions, I would say, that by some accident an important sentence is omitted in § LIII., showing who might dispose of the public money.

In an old Book of Wills in the Ordinary's Office, Charleston, labelled 1692-1699, there is an odd leaf of some other volume bound with the wills and numbered page 77. This leaf contains the original signatures to the following : " We whose names are hereunto subscribed, doe promise to beare faith and true allegiance to our soveraigne Lord, King James the Second, his heires and

successors, and fidelitie and submission to the Lords Proprietors and the forme of government by them established by their Fundamental Constitutions. 1685, Oct. 6. Joseph Morton, John Godfrey, Robert Quarry, Paul Grimball, Ste. Bull, John Stan, Will. Dunlop. Nov. 19. Joseph Morton. Oct. 6. Barnard Schenking, Humphrey Primatt, Richard Conant, Richard Baker, Jos. Oldys, William Popell, Dugué, Bacon, [or Bacot,] Ant. Sompoituant, D. Trezevant, P. Dutartre, Rene Razeau, Jno. Alexander, Jo. Hamilton. Oct. 12. James Gilbertson. Oct. 13. Phin. Roger, J. Fleur. Oct. 31. Adam Caslio, Royer, Gyles Russell, Joseph Blake, William Bower, William Yeler. Nov. 16. Peter M. Moulin. 1686, May 6. Wm. Brocktur.

Although there is sufficient space for other signatures, yet it proves the preference of some of the people for the first set of Constitutions, even at this late date, to find the following: Oct. 15, 1686. "I doe hereby promise to bare faith and true allegiance to o^r soveraign Lord, King James y^e Second, and fidellity to y^e Lordes Proprietors of Carolina, according to y^e fundamentall Constitutions dated y^e XXIst. July, 1669." And. Percivall. Jan. 20, 1688. John Francis De Gignilliat, George Pawley. Feb. 14. Daniel Carly. April, 1689. D. Hooglunt. (See also Letter to Sothell, 1691.)

S. P. O. NORTH CAROLINA. B. T., VOL. 2, p. 1.

A Declaration & Proposealls to all y^e will plant in Carrolina.

25 Augt., 1663.

His Ma^{tie}, haveing been graciously pleased by his Charter bearing date y^e 24th of March in y^e 15th yeare of his reigne, out of a Pious & good Intention for y^e propogaçon of y^e Christian faith amongst y^e Barbarous & Ignorant Indians, y^e Inlargem^t of his Empire & Dominions, & inriching of his Subjects: To Graunte & confirme unto us, Edward Earl of Clarendon, High Chancell^r of England, George Duke of Albemarle, Master of his Ma^{ties}. Horse & Capt. Gen^l. of all his Forces; Wm. Lord Craven, John Lord Berkeley, Antho. Lord Ashley, Chanc^r. of his Ma^{ties}. Exchequer, S^r: George Carteret, K^t. & Bart., Vice-Chamberline of his Ma^{ties}. Household, Wm. Berkeley, K^t. & S^r. John Colleton, K^t. & Bart. All y^t. terrytory or tract of Ground w^t. y^e Islandes & Isletts sittuate, lyeinge & being in his Dominions in America, extending from y^e north end of the Island called Lucke Island, w^t. lyeth in y^e Southerne Virginia Sea, & w^t in 36 degrees of y^e Northine Lattitude & to the west as farr as y^e South Seas, and soe southerly as farr as y^e river St. Mathias w^t. bordereth upon y^e Coast of Florida & w^t. in - degrees of y^e Northine Lattitude in pursewance of w^t. Grannte, & w^t. a cleare & good intention to

make those parts usefull & advantagious to his Ma^{tr}. & his people. Wee doe hereby declare & propose to all his Ma^{des}. loving Subjects wheresoever abideing or resideing, and doe hereby ingaige inviolably to performe & make good these ensuing proposeals in such man^r. as y^e first Und^ttak^r. of y^e first Setlem^t. shall resonably desire.

1. If y^e first Collony will settle on Charles River neare Cape Feare w^{ch}. seemes to be desired it shalbe free for them soe to doe on y^e Larboard side entring. If in any other parte of y^e Terrytory, then to choose eith^r. side, if by a riv^r., we reserveing to o^r selves 20,000 acres of Land, to be bounded & leyed out by o^r. Agents in each Setlem^t. in such places as they shall see fitt, & in such man^r. as y^e Collony shall not be thereby incomoaded or weakned w^{ch}. we intend by o^r. Agents or Assignes in dew time to settle & plant, they submitting to y^e Goverment of that Collony.

2. That y^e first Collony may have pow^r. when desired at there owne charge to fortifie y^e entrance of y^e riv^r., as alsoe y^e sea coast & Islands, they ingageing to be trew & faithfull to his Ma^{tr}., his heires & Successor^s by some oath or Ingaigem^t. of their owne frameing.

3. That y^e Undertakers of y^t. Settlem^t. doe before they or any of them repaire theither to setle present to us 13 persons of those y^t intend to goe, of w^{ch}. numbr. we shall commissionate one to be Govr. for 3 yeares from y^e date of his Comission, and 6 more of y^e 13 to be of his Councell, y^e Maio^r. parte of w^{ch}. numbr. y^e Govern^r. or his Deputy to be one to governe for y^e time afores^d. & will alsoe nominate Successor^s. to y^e govern^r, whoe shalbe of y^e 6 Councillor^s afores^d. to succeed in y^e Govermt. in case of deth or removeall, & likewayse Councillor^s out of y^e remayneing 6 of y^e 13 to succeed in case of death or removeall of any of y^e Councillor^s. & aft^r. y^e expira^cn of y^e first three yeares & soe successively for every 3 yeares. Upon or before y^e 25th day of March, before y^e expira^cn of y^e time of y^e Governor in being a new presentm^t. by y^e freehold^s of y^e Collony, or by such persons as they shall constitute to be made of y^e 13 persons, 4 of w^{ch}. shall consist of those y^t. shalbe in y^e Govermt. at y^e time of y^e Election of y^e 13 out of w^{ch}. we will upon or before y^e 10th day of Aprill following, declare & Commissionate a Govern^r. & 6 Councillor^s. wth. there respective Successor^s., in case & manor as afores^d.

4. Wee shall as farr as o^r. Charter permitts us, impower y^e Maio^r. parte of y^e freehold^s., or there Deputyes or Assembymen, to be by them choasen out of themselves, viz.: Two out of every tribe, devision or parish, in such manor as shall be agreed on to make there owne lawes by & wth y^e advice & consent of y^e Govern^r & Councell, soe as they be not repugnant to y^e lawes of England, but as neare as may be agreing wth them in all Civill affaires wth submission to a Superintendance of a Gen^l. Councell, to be choasen out of every Gover^t. of y^e Province, in man^r as shal-

be agreed on for y^e Comon defence of y^e whole, w^{ch}. lawes shall, wthin one yeare aft^r. publication be presented to us to receave or. Rattification, & to be in force untill s^d. Rattification be denied, & by us certyfied, but if once rattified, to continew until repealed by y^e same power or by time expired.

5. We will Grante, in as ample man^r. as y^e Und^takers shall desire, freedomes & libertye of contience in all religious or spirituall things, & to be kept inviolably wth. them, we haveing power in or. Charter soe to doe.

6. Wee will Grante y^e full benefitt of these Immunityes to y^e Und^takers & Setlers w^{ch}. by y^e Charter is granted to us (for or. services to his Ma^{ie}.,) in relation to freedome, of customes, of tooles, of all sorts usefull there to be exported from England for y^e planters use, & of certine Groathes of y^e Plantacons, as Wine, Oyle, reasons of all sorts, Ollives, Capers, Wax, Currants, Almondes & Silkes to be imported into any of his Ma^{ies}. Dominiions for 7 years for each comodity, aft^r 4 touns of every respective spetie is imported as afores^d. in one Bottome.

7. Wee will Grante to every present Und^taker for his owne head, 100 acres of land, to him and his heires forever, to be held in free and comon Socage, & for every man Sarv^t. y^t. he shall bringe or send thith^r. y^t. is fitt to bare Armes, armed wth. a good fierlocke Musket, performed boare, 12 bullets to y^e pound, & wth. 20 lb. of powder & 20 lb. of Bullets, 50 acres of land, & for every woman Sarv^t. 30 Acres, & to every man Sarv^t. y^t. shall come wthin y^t. time, 10 Acres aft^r. y^e expiraⁿon of his time, & to every woman Sarv^t. 6 Acres aft^r. y^e expiraⁿon of her time. Note y^t. we intend not heareby to be obliged to give y^e proportions of lands above mentioned to Mast^r. & Sarvt^s. long^r. then in y^e first five yeares to coince at y^e begining of y^e first Setlem^t.

8. We will injoye y^e Governo^r & Councill to take care y^t. there be alwayse one man armed & provided as afores^d. in y^e Collony for every 50 Acres w^{ch}. we shall Grante, & y^t. there be a Supply to make up y^e numb^r. in case of deth or quitting y^e Collony by y^e owners of s^d. lands wthin 12 moneths aft^r. notice given of y^e defect.

In consideration of y^e premises we doe expect by way of acknowledgem^t. & towardes y^e charge we have beeene & shal be at one $\frac{1}{2}$ penny for every acre y^t. shal be graunted as afores^d. wthin y^e time before limitted & exprest, & y^t. y^e Court houses & howses for publicke meetings be erected by y^e publicke monyes of y^e Collony on y^e landes taken up by us, but to be & continew to y^e Countryes use forever, they paying some small acknowledgem^t.

Given und^r. o^r. handes this twenty-fifth day of August, Anno D^m., 1663.

S. P. O. NORTH CAROLINA, B. T., VOL. 2, p. 19.

Instructions to Sir John Yeamans, Governor of Clarendon County.

Edward, Earle of Clarendon, Lord High Chancell^r. of England, George, Duke of Albemarle, &c. The trew and absolute Lordes Propryato^rs. of all y^e Province of Carolina.

To our trusty and wel beloved Sr. J^{no}. Yeamans, Bar^t., Governor of our County of Clarendon, neare Cape Faire, and of all y^t. tract of ground w^{ch}. lyeth Southerly as farr as y^e river St. Mathias w^{ch}. bordereth upon y^e Cost of Florida, wth. 31 degrees Northerne Lattitude, and soe west as farr as y^e South Seas, as alsoe of all Islandes and Islets, Rivers and Seas wthin y^t s^d. Boundes, & o^r. s^d. Province of Carolina. And to o^r. trusty & welbeloved, our Councell^r., and Assistance to our s^d. Govern^r., Greeting: Be it knowne unto all men, y^t. we y^e s^d. Lordes and absolute Propryato^rs of y^e s^d. County & tract of ground wthin y^e province afores^d. for divers good causes & considera^rons, but more espetially out of y^e trust & confidence reposed by us in y^a. our s^d. Govern^r. & Councill^r. for y^e faithfull managem^t. of y^e powers & authorityes by us to you given to y^e best avayle & improvem^t. of our Interest & Dominion in y^e s^d. County of Clarendon, & all y^e tract of ground afores^d. wthin our s^d. Province, & for y^e best avayle and improvem^t. of y^e interest, Liberty, Propryetey & Defence of all such as shall plant & inhabit there, Have given, graunted, & by these presentes doe give & grannte (during our pleasure,) Unto yo^a o^r. s^d. Govern^r., by & wth. the advice & consent of our Councell or any 3 or more of the 6 or 4, or more of a greater number, full and absolute power and authority for us & in our name to lett, sett, convey & assure, such landes in o^r. s^d. County & tract of ground afores^d., to such person & persons, & for such estate & estates, & wth. such provisoes, Condic^rons & Limita^rons, as we by o^r. Concessions & agreem^t. undr. our grate seale, bearing date wth. thes presentes, to & wth. y^e adventurers of y^e Island of Barbados, & there Assotiates of England, New England, y^e Carribia Islandes & Barmothos, are obliged to graunt, & as yo^a. shalbe directed by such othr. Instruc^rons & Rules as from time to time yo^a shall receave from us, & not otherwayse. Hereby rattifying & confirmeing w^tsoever yo^a shall lawfully doe pursuant to y^e Concessions & Agreem^t., & to such Instruc^rons, Rules & Direc^rons as afores^d., as also to make, doe, performe & execute all & singuler act & actes, thing & things, powers & authorityes w^tsoever w^{ch}. we o^rselves may, cann, might or could doe, in, for, concerneing or relateing unto y^e Govern^r., both Civill & Millitary, of y^e s^d. County & tract of ground afores^d. by virtue of y^e Letters Pattentes of his most excellent Majesty, Charles y^e Second, by y^e Grace of

God, Kinge of England, Scotland, France & Ireland, Defendor of y^e faith, beareing date at Westminster y^e twenty-fourth of March, in y^e 15th yeare of his Reigne, to be exercised neaverthelesse, according to such Instruc^{cons} & wth. such Limita^{cons}, restric^{cons}, Condi^{cons} & provisoes as in these presentes are hereaft^r. conteyned, hereby rattifying, confirmeing & allowing all & every such act & acts, thing & things wth. o^r. s^d. Govern^r. & o^r. s^d. Councell^s. in o^r. names shall doe in y^e premises pursuant to y^e authority hereby comited, Provided, & it is hereby declared y^t. this present deede or anything therein contayned, doth not extend, nor shall it be deemed or taken to extend, to give up to o^r. s^d. Gov^r. or o^r. s^d. Councell^s. or eith^r. or any of them any power or authority to make any maner of graunt, Conveyance, Demu^r. or othr. like disposition of any landes lyeing wthin, or being parte of y^e s^d. County & tract of ground afores^d., but according to our Concessions & Instruc^{cons}, & reserveing for every acre English measure, wth. by virtue of this authority yo^u shall grant to any person or persons one-halfe penny of lawfull mony of England, yearly rent to be paid to us, o^r. heires or assignes, on every twenty-fifth day of March, according to y^e English accompt, y^e first paym^t. whereof to begin on y^e 25th of March, wth. shalbe (according to y^e English acc^t.) in y^e yeare of o^r. Lord God, 1670. Provided alsoe, y^t. noe ord^r. or Lawes made or to be made by virtue of this o^r. authority, shalbe in force as Lawes for any long^r. tearme, then one yeare and a halfe wthin one yeare of wth. time they shalbe transmitted & presented to us for o^r. assent, wth. being given, they shalbe in continewall force till expired by there owne Lymita^{con} or by act repealed to be confirmed as afores^d. Provided alsoe, y^t. y^e executive parte of all y^e s^d. powers hereby given shalbe made & exercised by yo^u o^r. s^d. Gov^r. by & wth. the advice and consent of y^e Maior parte of our Councell. And if it shall happen y^t. o^r. s^d. Gov^r. or any of o^r. s^d. Councell shall departe or be absent at any time from our s^d. County & tract of ground afores^d., unless othr. provision be by us made, y^t. then it shall & may be lawfull to & for o^r. s^d. Govern^r. & Councell, or y^e maior parte of them resident in o^r. s^d. County & tract of ground afores^d. to nominate, elect & appoint any such able person & persons as in there discretion to them shall seeme most fitt to serve in and supply y^e places of such of y^e s^d. persons respectively during there absence from our s^d. County & tract of ground afores^d. Giveing and Granting unto him or them soe chosen during y^e absence of o^r. s^d. Gov^r. or Councell^s. as full, large, & ample powers as we by these presentes to o^r. s^d. Governor or Councell^s. have given anything in this present Comission in any wise to y^e contrary notwithstanding. And alsoe in case of death of any Governor, or death or removeall of any of o^r. s^d. Councell, from time to time to nominate & elect fitt & able persons in there steads or places respectively, wth. persons soe nominated & choasen, shall exercise all powers to there s^d. offices respectively belonging, till o^r. pleasure be signified to y^e Contrary.

S. P. O., N^o. CAROLINA, B. T., VOL. 2, p. 41.

Governor Sayle's Commission.

26 July, 1669.

Geo., Duke of Albemarle, Captⁿ. Gen^l. of all his Ma^{ties} forces, Edward, Earle of Clarendon, W^m., Earle of Craven, John, L^d. Berkley, Anthony, L^d. Ashley, Chancell^r. of y^e Exchequer, Sir Geo. Carteret, Barron^t., Vice Chamberlaine of his Ma^{ties}. House-hould, S^r. Peter Colleton, Barronett, & S^r. Wil. Berkeley, Knt.

To our trusty & Welbeloved Will. Sayle, Esq., Govern^r of all that Territory, or parte of o^r. Province of Carolina that lyes to y^e Southward & Westward of Cape Carteret, & to our trusty & Welbeloved o^r. Councill^r. & Assistants to our said Governo^r, Greeting.

Bee it knowne unto all men that Wee y^e L^d. & absolute Propriet^os of y^e Province afores^d., for divers good causes & consideracons, but more especially out of y^e trust & confidence reposed in yo^u, o^r. s^d. Governo^r & Councill^os, for y^e faithfull managem^t of y^e power & authority by us to yo^u given to y^e best availe & improvem^t. of o^r. Interest & Dominion in y^e Terretory afores^d., have given, granted, & by theise presents doe give & grant dureing o^r. pleasure unto yo^u, o^r. s^d. Governo^r, by & wth. y^e consent of o^r. Council, or any sixe of y^e tenn, Whereof three at least are to be of those appointed by us as o^r. Deputys, full & absolute power & authority for us, & in o^r. names, to lett, sell, convey & assure such Lands in o^r, s^d. County, to such person & persons, & for such Estate & Estates, And wth. such Provizos, Condi^cons & Limita^cons as we by o^r Instruc^cons and Concessions, hereunto annexed, have directed, & as yo^u shall be directed by such other Instruc^cons & rules as from time to time yo^u shall receive from us, & not otherwise, hereby rattifying & confirming whatever yo^u shall doe pursuant to y^e s^d. Instruc^cons & Concessions, & to such Instruc^cons, Rules & Direcc^cons, as afores^d., as alsoe to make, doe performe and execute all & singuler act & acts, thing & things, powers & authorit^ys whatsoever, w^{ch}. Wee o^rselves may, cann, might or could doe in, for, conserving or relateing to y^e Goverment, both Civill and Millitary, of y^e s^d. Terretory, by vertue of y^e Lett^rs. Pattents of his most Excellent Ma^{tie}., Charles y^e Second, King of England, Scotland & Ireland, Defend^r. of y^e faith, bearing date at Westminster, y^e 20th day of June, in y^e 17th yeare of his raigne, to be exercised nevertheless according to such Instruc^cons, & wth. such Limittations, RestrICC^Cons, Condi^cons & Provisoes as are hereunto annexed, & in these presents are hereafter contained. Hereby rattifying & confirming & allowing all & every such act & acts, thing & things, w^{ch}. o^r. s^d. Govern^r. & o^r. s^d. Councill^os in o^r. names shall doe in y^e premises, pursuant to y^e authority

hereby committed, & w^{ch}. is not contrary to o^r. Instruc^tions, and o^r. fundamentall Constitu^tions & forme of Governm^t. herewth sent under o^r. hands & seales.

Provided alsoe, y^t. y^e Executive parte of all y^e s^d. Powers herein given shall be made & exercised by yo^u, o^r. s^d. Governor^r, by & wth. y^e advice & consent of y^e maior^r. parte of our Councell. And if it shall happen that o^r. s^d. Governo^r shall depart or be absent at any time from our Terretory afores^d., unless other provision be by us made, That then it shall & may be lawfull for o^r. s^d. Governo^r. by y^e advice & approbation of y^e maior^r. parte of his Councell, under his hand & seale, to nominate & appoint a Deputy, Giveing & Granting unto y^e person soe appointed, as full, large & ample powers as wee, by theise presents unto o^r. s^d. Governo^r have given, any thing in this present Comission in any wise to y^e Contrary notwthstanding. And if in case o^r. s^d. Governo^r should happen to dye or departe wthout nominateing any person to be his Deputy, Wee doe then give & Grant unto o^r. s^d. Councell full power & authority to appoinete some person to be Governo^r till o^r. pleasure be further knowne therein, & signfyed to y^e contrary. And y^e person soe appointed shall have y^e same power to all intents & purposes as was by this present Comission granted unto o^r. Governo^r soe dead or departed.

Given under o^r. hands & y^e Great Seale of o^r. s^d. Province, this 26th day of July, 1669.

S. P. O. N^o. CAROLINA, B. T., VOL. 2, p. 40.

Coppy of y^e Deputacon.

July, 1669.

Whereas in y^e fundamentall Constitu^tions & forme of Governm^t. of the Province of Carolina it is ordained that each Propriet^r. shall have his Deputy, who shall sett in the Grand Councell & Parliam^t., & have severall other powers as in o^r. s^d. fundamentall Constitu^tions & forme of Goverment, & o^r. Instruc^tions annexed to o^r. Comission to o^r. Governo^r, bearing date y^e 26th day of July, 1669, is more at large & expresly sett forth. And Whereas there is noe Landgraves nor Cassiques in Carolina at present, nor such a number of people as will admitt of o^r. s^d. fundamentall Constitu^tions & forme of Governm^t., entirely to be putt in practice, yett y^t. we may come as nigh y^e same as is practicable at present, it is by Comon consent of y^e Propriet^rs. agreed that each Propriet^r. shall choose a Deputy, who, for the present, shall act wth. o^r. Governo^r., as is in that case provided in our fundamentall Constitu^tions & forme of Governm^t., & o^r. Instruc^tions annexed to y^e Comission of o^r. Governo^r., as afores^d. Wherefore out of y^e Confidence that I have of y^e wisdome, prudence & discretion of yo^u.

S. P. O. N^o. CAROLINA, B. T., VOL. 2, p. 38.

Copy of Instructions for Mr. Joseph West.

Mr. West, Yo^w are wth all possible speed to saile wth y^e flecte under yo^r. comand for Kinsaile, in Ireland, Where yo^w are to endeavor to gett twenty or twenty-five Serv^{ts}, for our proper account, & as soone as yo^w have gotten them on board yo^w are to saile directly to Berbados, & yo^r are not to suffer any person whatsoever to putt one Serv^t. on Board o^r. Shippes, till o^r. number be compleated.

You are to take y^e best order you can wth. yo^r. Shipps to avoid loosing one another att Sea & appoint what shall be done by each Vessell in case they loose yo^r. Company.

If any Passenger that is y^e Master of a Family should dye att sea, & leave noe Executo^r, or should leave y^e Shipp, his Servants are to be reserved to y^e use of y^e Propriet^s., it being they that pay theire passage, & by consequence have most right to them ; w^{ch}. Serv^{ts}. you are to employ in preparing loading of timber & other materials for o^r. Shipps.

When yo^a are at Kinsaile yo^a are to apply y^rselfe to Mr. Southwell & Mr. Thomas Gookin for y^e procureing of yo^r. Ser^ts., & also use y^e assistance of Capt. O'Sullivan. And haveing staid — dayes at Kinsaile, and not haveing compleated yo^r. number, & findeing noe likelyhood to doe it, though yo^a should stay a day or two longer, yo^a are to saile wth y^e first opertunity to Berbados.

Yoⁿ are to suffer noe freeman y^e hath noe Serv^{ts} on board to goo
out of y^e Shipp, unlesse he give very good security for his retурne.
Yoⁿ are not to suffer any man, whether Seaman or Passenger, to
take his Serv^{ts}. on shoare at Barbados, unless he give bond in
double of vallew for their retурne on Board againe. Yoⁿ are to
give Orders to y^e Comanders of our Shippes to obey this rule,
who are hereby required to obey the said Orders.

S. P. O. N°. CAROLINA, B. T., VOL. 2, p. 39.

Coppy of Mr. West's Comission as Comand^r. in Cheefe.

27 July, 1669.

London, 13 May, 1689.

George, Duke of Albemarle, Capt^r. Gennⁿ. of all His M^{ts}. Forces, Edward, Earle of Clarendon, William, Earle of Craven,

John, L^d. Berkeley, Anthōny, L^d. Ashley, Chancell^r. of the Exchequer, Sir Geo. Carteret, Bart., Vice Chamberlaine of his Ma^tes. Household, S^r. Peter Colleton, Bart., & S^r. William Berkeley, Kn^t., the true & absolute L^ds. & Propriet^rs of Carolina.

To our trusty & welbeloved Joseph West, Greeting—

Wee doe hereby constitute & appoint yo^u during or. pleasure, Governo^r & Comander in Cheife of or. fleet & y^e persons embarqued in it, bound for Carolina, or that shall embarque in our s^d. fleet before its arriveall in Barbados ; over w^{ch} yo^u are to place Officers, & cause them to be duly exercised in Armes, and to doe all & every other thing or things w^{ch}. unto y^e Charge of a Coman^r. in Cheife belongeth. And Wee by vertue of his Mai^{es}. Letters Pattents, bearing date at Westminster, y^e 20th of June, in y^e 17th yeare of his Raigne, have power to Grant, Comanding all inferio^r Officers of or. s^d. fleet & forces yo^u to obey as their Comand^r. in Cheife, according to this, or. Comission, & y^e powers thereby given unto yo^u. And yo^u, yo^rselfe, alsoe are to observe & follow such order & directions as from time to time yo^u shall receive from us. And in all things to governe y^rselfe as unto y^e duty & place of a Govern^r. & Comand^r. in Cheife doth belong, w^{ch} place yo^u are to execute till another Govern^r. for y^t. parte of or. Province y^t. lies to y^e Southward or Westward of Cape Carterett shall appeare wth Comission under or. hands & Great Seale of or. Province, to whom yo^u are then to submitt, & this Comission to become voyd to all intents & purposes.

Given under or. hands & y^e Great Seale of or. Province this 27th July, 1669.

S. P. O. N^o. CAROLINA, B. T., VOL. 2, p. 34.

Coppy of Instruc^rcons for M^r. West about or. Planta^ron.

M^r. West, God sending yo^u safe to Barbados, yo^u are there to furnish y^rselfe wth. Cotton seed, Indigo Seed, Ginger Roots ; w^{ch}. roots yo^u are to carry planted in a tubb of earth, y^t. they may not dye before yo^r. arrivall att Port Royall ; alsoe yo^u may in another tubb carry some Canes planted for a tryall—alsoe of y^e severall sorts of vines of that Island, & some Ollive setts ; all wth. will be procured yo^u by M^r. Thomas Colleton, if yo^u applye yo^rselfe to him.

When yo^u arrive at Port Royall yo^u are in some convenient place on one side of y^e Towne, & where it may be least Inconvenient to y^e people, to take up as much land for our uses as our proporc^ron will come to at 150 Acres p^r. head of 30 Serv^ts, & in yo^r. land lett there be some marsh, and not much, y^e rest to be of as many varietys of soyle as may be, amongst wth. be sure there

be some Sandy land. Our reason for this is that being unacquainted wth. y^e nature of y^e soyle, we shall have conveniency of trying wth. sort of soile agrees best wth. y^e several things plant^d. in them. On this Land yo^u are to cause to be erected convenient houseing for yo^r selfe & yo^r. Servants, makeing them warme & tyte, w^{ch}. is a great meanes of preventing sickness. Theise houses you are soe to place that upon y^e devision of o^r. Land each man may have a share of y^m. As soone as yo^r. houses are built, yo^u are to sett yo^r. people to falling and clearing yo^r. land to make it fitt to plant against y^e Seasons come, not forgetting to putt yo^r. Ginger & Canes into y^e Ground as soone as yo^u arrive, for feare they dye—both of w^{ch}. love a rich soyle & light mould, in w^{ch}. sort plant them.

Yo^r. seeds yo^u are to keep till March, & y^e. plant some of y^m. in Sandy land, some in light black mould y^t lyes high, & some in land that lyes low ; doe y^e same againe in Aprill, y^e same in May & June, by w^{ch}. meanes yo^u will come to finde w^{ch}. soyle agrees best wth. every specie planted, & what is y^e properest time to plant in. Yo^u are to doe y^e same as to y^e soyle wth. yo^r. vine & Ollive Plants, & this will be done wth. a man or two ; y^e rest of yo^r. people are to be employed about planting Indian Corne, Beanes, Pease, Turnipps, Carretts & Potatoes for Provisions. The proper Season to plant Corne & Beanes & Pease yo^u will be informed by y^e Natives ; y^e others will thrive at any time, & y^u. are never to thinke of makeing any Comodity yo^r. businss further than for experiance sake, & to have yo^r. stock of it for planting encrease till yo^u have sufficiently provided for y^e belly by planting store of provissions, w^{ch}. must in all your contrivances be looked upon by yo^u as y^e foundation of yo^r. Plantaçon.

Iff yo^u have time yo^u may fence in a small peece of ground for the reception of y^e Cattle we shall cause to be brought from Virginia, and to putt them in all night.

Yo^u are allwayes to have one or more to looke after yo^r Catle, who must bring them home at night, & putt them in yo^r inclosed Ground, otherwise they will grow wild & be lost.

Yo^r. Grape vines plant in a Sandy mould, & drye, & as soone as they will afford other Slipps plant them alsoe y^t. yo^u may increase yo^r. stock of plants.

As soone as yo^r. Ginger is ripe yo^u are to digg itt, & plant as much ground wth. it as that will fill, that yo^u may increase yo^r. stock. The manner any planter of Barbados will shew you. And if yo^u finde that Ginger thrives well, that is to be y^e first Comodity you are to fall upon, When you have sufficiently provided for victuall.

Yo^r. Cotton & Indigo is to be planted where it may be sheltered from y^e North West Winde, for they are both apt to blast.

Iff any of yo^r. Shipps touch at Bermudas, Order them to bring from thence Ollive Plants & Stones, But noat that sticks cutt &

planted like Osiers come to perfection, & beare sooner by seavall yeares then plants from y^e Stone.

You are from time to time to give us acc^t. of yo^r. proceedings herein, how much land yo^u have fallen, what yo^u have planted, & how every specie thrives, alsoe what Cattle yo^u have rec^t. from Virginia, how many Calves yo^u have every yeare, And what quantity of Hogg^s, Sheep, &c., and what yo^u want.

Yo^u may take from Barbados halfe a doz. young Sows & a Boare, w^{ch}. will be furnished yo^r by Mr. Thomas Colleton, iff you shall not have enough left to doe it of y^e thirty pounds p^d. yo^u to carry to Ireland.

When yo^u come to Port Royall yo^u are to take what care yo^u cann to helpe y^t. of our Shipps that returnes to Barbados to a loading of timber, &c.

Yo^u are in all things to consult, advize & communicate wth. Mr. John Rivers, Agent for y^e Lord Ashley, And wth. Mr. Agent for Sr. Peter Colleton, That they may be able to give a particular account of all transactions there.

S. P. O. NORTH CAROLINA. B. T., VOL. 2, p. 37.

Coppy of Instruccōns to M^r. John Rivers.

M^r. John Rivers, yo^u are to take charge of or. Storehouse att Port Royall containeing or. Materialls of Warr, and are from time to time to deliver out such quantity of Guns, Powder, Shott & other Stores, as y^e Govern^r. and Councell shall direct yo^u by their order in wrighting and not otherwise, except it be some powder & birding Shott for y^e use of or. owne Planta^con.

Yo^u are to keepe account of what Gunn^s, Powder & fowling Shott, yo^u doe by order of y^e Governor & Councell deliver to any one, and take y^e persons rec^t. for y^e same for whom you deliver it, The w^{ch}. Receipt to avoid multiplicity of acc^t.; yo^u are to deliver to M^r. West, who is to charge y^e s^d. Party wth. it in his Books & account wth. him for y^e same.

S. P. O. NORTH CAROLINA. B. T., VOL. 2, p. 33.

Instructions for M^r. Henry Braine.

M^r. Henry Braine, You are under the Comnd of M^r. Joseph West, (whom wee have apointed Com^{dr}. in Chief of or. fleet till their arrivall at Barbados) to saile to Kinsale in Ireland, & from thence to Barbados as hee shall direct and order you, & when you are at Barbados, you are to observe the orders of or. Governo^r for your proceedings to Port Royall, And to returne from

Port Royall to Barbados or to Virginia as you shall bee directed by S^r. John Yeamans, M^r. Thomas Colleton & Majo^r Kingsland, & there take in passengers & other fraught for Port Royall: if you goe to Virginia you are to aply yo^rselfe to Mr. William Burgh, in Chocatuck Creek, in James River, in whose hands you shall finde instructions what you are to doe; if you come to Barbados, you are to deliver what goods you shall bring from Port Royall for the Proprietors acc^o. to Mr. John Hallet, & take his & M^r. Thomas Colletons advice for your proceedings from thence, either to Saltordudos & Virginia, or to Virginia directly, or back to Port Royall.

When you are at Port Royall, you are to consult wth. M^r. West & o^r. Governo^r there, to what port you shall goe when you goe from thence, & are to saile to that port that any two of you three shall agree on, all being present at the consultation, if alive.

You are from time to time to send us an acc^o. of your proceedings, what fraught your ship hath made, & what you have delivered into the hands of o^r. Factors or any of o^r. Agents.

S. P. O. No. CAROLINA, B. T., VOL. 2, p. 46.

At a Meeting of the Proprietors of Carolina, held at the Cock-pitt, the 21st October, 1669.

Present.

The Duke of Albemarle.

The Earle of Craven.

The L^d. Berkley.

The L^d. Ashly.

S^r. Geo. Carterett.

S^r. Peter Colleton.

The Duke of Albemarle was elected the first Pallatin of Carolina.

The Earle of Craven the first High Constable.

The Lord Berkeley, the first Chancellor.

The Lord Ashly, the first Chief Justice.

Sir Geo. Carterett, the first Admirall.

Sir Peter Colleton, the first High Steward.

S. P. O. No. CAROLINA. B. T., VOL. 2, 1669-70, p. 47.

At a Meeting of the Proprietors of Carolina, at S. George Carterett's lodgeings, at Whitehall, the 20th of Jan., 1669.

Present.

The Earle of Craven.

The L^t. Berkeley.

The L^t. Ashley.

Sir Geo. Carteret.

Sir Peter Colleton.

Sir Tho. Clarges, for Christopher, Duke of Albemarle.

Geo., Duke of Albemarle, the first Pallatin of Carolina, being dead, the Lord Berkeley, being the eldest in years of the surviving Proprietors, succeeded him, & was admitted the second Pallatin of Carolina.

The Earle of Craven continued his place of Constable.

The Lord Ashly continued his place of Chief Justice.

S^r. Geo. Carteret continued his place of Admiral.

S^r. Peter Colleton quitted his place of High Steward, & made election of that of Chancellor.

The Duke of Albemarle sent his Comission to his Deputy in Albemarle County, by the tyle of Treasurer.

The L^t. Berkely, Pallatin, Commissionated Samuell Steephens to bee his Deputy & Govern^r. of Albemarle.

The Earle of Craven deputed John Jenkins.

The L^t. Ashly, M^r. John Willughby.

S^r. Geo. Carteret, M^r. Peter Carteret.

S^r. Peter Colleton, M^r. Godfry.

The Duke of Albemarle sent a blank to the Gov^r.

S. P. O. NO. CAROLINA. B. T., VOL. 2, p. 43.

Coppy of Instruccōns annexed to ye Comīssion for y^e Govern^r. & Councell.

27 July, 1669.

In regard y^e number of people wth. will at first be sett downe at Port Royall, will be soe small, together wth. want of Landgraves & Cassiques, that it will not be possible to putt o^r. Grand Modell of Govern^r. in practice at first, and that notwthstanding wee may come as nigh y^e afores^d. Modell as is practicable.

1. As soone as yo^u arrive at Port Royall yo^u are to summon all y^e freemen that are in y^e Collony, And require them to elect five persons, who being joyned to y^e five deputed by y^e respective Propriet^r., are to be y^e Counsell wth. whose advice & consent, or at least sixe of them, all being summoned, yo^u are to governe according to the Limita^con & Instruc^cons following, observeing what cann at present be putt in practice of our fundamantall Constitutions & forme of Govern^r.

2. Yo^u are to cause all y^e persons soe chosen to sweare Allegeance to o^r. Soveraigne L^t. the King, & subscribe fidellity & submission to y^e Proprietors & y^e forme of Govern^r. by them established. But in case any man for Religeon's sake be not free

to sweare, then shall he subscribe y^e same in a Booke for that use
Provided, w^{ch}. shall be deemed y^e same wth. swearing.

3. Yo^u & yo^r. Councell are to choose some fitting place whereon
to build a Fort under y^e protection of w^{ch}. is to be yo^r. first Towne,
placeing yo^r. houses soe as y^e Gunnis of y^r. Fortes may comand all
yo^r. Streets.

4. Within this Forte is to be kept yo^r. Stores of all sorts.

5. If yo^u place yo^r. first Towne on an Island, that whole Island
shall be devideed into Collonyes, & reserved for y^e use of y^e people,
& suffer noe Signiory or Barrony to be taken up in it. But if
yo^u plant yo^r. towne on y^e maine, then shall y^e sixe next ad-
joining Squares of twelve thousand acres be all Collonyes, soe
that the people may at first plant together in convenient numbers.

6. Yo^u are not to suffer any one to take up lands wthin two
miles and a halfe of any Indian Towne, if it be of y^e same side of
a River, we hopeing in time to draw y^e Indians into o^r. Govermt.
And would have y^e quantity of a Barrony left about every Cas-
siques house or Towne.

7. Yo^u are by & wth. y^e consent of yo^r. Councell, to establish
such Courts, and soe many as yo^u shall for y^e present think fitt for
y^e administracion of Justice till our Grand Modell of Govermt.
cann come to be putt in execution.

8. Yo^u are to sumon y^e freeholders of y^e Collony & require y^m.
in our names to elect twenty persons, w^{ch}. together wth. o^r. De-
putys for y^e present are to be y^r. Parliament, by & wth. whose
consent, or y^e maior. parte of them, yo^u are to make such laws as
yo^u shall from time to time finde necessary, w^{ch}. laws being ratti-
fyed by yo^u & any three of o^r. five Deputys, shall be in force as in
that case provided in the 12th & other Articles of o^r. fundamentall
Constitu^cons & forme of Govermt.

9. Yo^u are to take notice that we doe grant unto all free persons
above the age of sixteene yeares y^t. doe come to Port Royall to
plant before the 25th day of March, 150 Acres of land for them-
selves & 150 Acres more for every able man Servt. they bring wth.
them or cause to be transported into the s^d. Collony. And 100
Acres for every Woman Servt. and Man Servt. under 16 yeares
of age. And one hundred Acres to any Servt. when out of their
time to his or her owne proper use.

10. To every free person that shall there arrive to plant &
inhabitt before y^e 25th day of March, 1671, one hundred Acres.
And 100 acres more for each man Servt. they bring wth. them or
cause to be transported into y^e s^d. Collony, And 70 Acres for
each Woman Servt. or Man Servt. under sixteene yeares of age.
And to every Servt. that shall arrive before y^e time last-men^cioned,
seaventy acres to his or her proper use for them & their heirs
forever.

11. To every free person that shall there arrive before y^e 25th
day of March, 1672, wth. an intent to plant seaventy acres, and 70

Acres more for each man Servt. they carry wth. them. And 60 acres for each Woman Servt. or Man Servt. under 16 yeares of age. And to every Servt. that shall arrive before y^e time last menconed, seaventy acres to his or her proper use for them & their heires for ever when there time of servitude is expired.

12. Yo^u are to cause y^e Land to be laid out in Squares containeing each 12,000 Acres, every of w^{ch}. Squares that shall be taken up by a Propriet^r. is to be a Signiory. And each Square that shall be taken up by a Landgrave or Cassique is to be a Barrony, and each of those squares w^{ch}. shall be taken up or planted on by any of the people shall be a Collony, And reserved wholly for y^e use of y^e people as they come to settle, keeping the proporcion of twenty-fower Collonyes to eight Signioryes & eight Barronyes.

13. Yo^u are to order y^e people to plant in Townes, And one Towne at least in each Collonye soe ordering & laying out the Townes as yo^u & yo^r. Councell shall thinke most convenient & profitable for y^e people y^t. are to inhabitt them. Yo^u are not to suffer y^e Inhabitants of any of y^e Collonyes to have a greater proportion of front of their Land to y^e River then a fifth parte of his depth.

14. Any person haveing brought Servt^s. to plant, shall make y^e same appeare to y^rselfe & Councell who shall thereupon issue out a War^t. to y^e Surveyor Genner^u. to lay him out a parcell of Land according to y^e proporcons menconed in theise^r o^r. Instruccons. And y^e Surveyor haveing done y^e same, And y^e War^t. wth. y^e Surveyor Gen^rls^u. returne thereon being recorded. And y^e person to whom this Land is granted, having sworne or subscribed Allegiance to o^r. Soveraigne L^d. y^e King, And fidellity & submission to y^e L^d. Propriet^r. And y^e fundamental Constitucons & forme of Goverment yoⁿ are undr. y^e Seale (for that use provided,) to passe this following Grant :

Geo., Duke of Albemarle, Capt^r. Gen^u. of all his Ma^{ties}. Forces, Edward, Earle of Clarendon, William, Earle of Craven, John L^d. Berkley, Anthony L^d. Ashley, Chancell^r. of y^e Exchequer, S^r. Geo. Carterett, Baron^t. Vice-Chamberlaine of his Ma^{ties}. Household, S^r. Peter Colleton, Bar^t., & Sir William Berkley, Kn^t. The true and absolute Lords & Proprietor^s of y^e Province of Carolina, Doe hereby Grant unto A. B., of the County of in y^e Province of a planta^ron in y^e Towne of in y^e County afores^d. containeing Acres English measure, bounded to have and to hould to himselfe, his heires & assignes forever, yeilding or paying to y^e s^t. George, Duke of Albemarle, Edward, Earle of Clarendon, William, Earle of Craven, John L^d. Berkley, Anthony L^d. Ashley, S^r. Geo. Carterett, S^r. Peter Colleton & S^r. William Berkley, L^d. Prop^r. as afores^d., their heires & assignes, every 29th day of Sept^r., w^{ch}. shall be aft^r. the 29th day of September, 1689, one penny of lawfull English mony

or y^e vallew thereof, for every of y^e s^d. Acres to be houlden in free & common Socage. Given under y^e Great Seale of y^e day of in y^e yeare of or. Lord.

This Grant yo^u & three more of your Councell are to signe, and cause y^e same to be recorded in the Register Office, y^e w^{ch}. shall then be deemed a full & firme Conveyance of y^e Land therein menēoned, unto y^e person unto whom it is granted, & his heires & assignes forever, he payeing y^e rent, &c.

15. We haveing sent a stocke of Victualls, Cloathes & Tooles for y^e supply of those people, who through Poverty have not beeene able to supply themselves sufficently for such an enterprize, to prevent abuses in y^e distribucon whereby one may come to want, & another have too much, yo^u & y^e maio^r. parte of or. Deputys by direccon, in wrighting, are to order or. Storekeeper how much of each sort shall be delivered weekly to y^e respective persons, wherein yo^u are to have speciall regard to those that are not able to furnish themselves.

Yo^u & y^e Maio^r. parte of or. Deputys, are by yor. Order in wrighting to direct or. Storekeeper how much of y^e Indian trade sent shall be delivered to any of y^e Indian Cassiques to purchase their friendshipp & alliance, Wherein wee desier yo^u to be as good husbands as may be, that there may be left a considerable store to answer all Emergencyes, And never lett y^e Indians know what quantity yo^u have, it haveing beeene observed to be prejudicall to those that have suffered them to see all their Store.

July 27th, 1669.

S. P. O. NORTH CAROLINA. B. T., VOL. 2, p. 31.

Instructions to Joseph West.

Copy of Instructions to Mr. Joseph West, Storekeeper.

M^r. Joseph West, you are to cause to bee erected within or. Fort at Port Royall 2 houses w^{ch}. are not to bee thached, in one of w^{ch}. you are to putt or. Stores of Warr, in the other, the Victualls, Cloathes, Tooles, &c.

The key of that in w^{ch}. is our Stores of Warr, you are to deliver unto M^r. John Rivers, who is to have the charge thereof, you are to make an Inventory of all you deliver him, & take his rec^t. thereon.

You are to deliver such quantitys of the Indian trade for presents to the Indian Kings, as or. Governr. & any three of or. Deputys, if so many bee alive in Carolina shall direct you, the residue you are to lye out in Victuall & other necessaries for the use of the Colony, takeing rec^t. from every man for what you furnish him. You are weekly to deliver to such persons as or. Governoar & any three of or. deputys, if so many bee alive in

Carolina shall direct you, the following proportion of victuals & no more, viz: To every three men 9 lb. of beef & 14 q^{ts}. of pease, or if they will not have pease then 14 lb. of flower, or 14 lb. of oatmeal, or tenn pounds & three quarters of bread, or some of the one & some of the other, as your stores of the respective spetie shall hould out, not exceeding this proportion to any man. You are to deliver the cloathes, tooles & fishing trade wee have provided, to such men as the Govern^{or} & any 3 of o^r. Deputys, if so many bee alive in Carolina shall direct you, still keeping enough for the use of o^r. owne plantation.

You are not to deliver to any man a double proportion of any thing, nor no more then is necessary for him.

If you finde that there is a want of cloathes or Rugs, you are then wth. your Indian trade to buy skins to suply that defect.

You are to keep exact acc^{ts}. of what you deliver to every man, takeing his rec^t. for the same, & once in 3 mo^s. to accompt wth. every man, & take his obligation under hand & seale, to pay unto Geo. D. of A. W. Earle of Cr., John L⁴. B., A. L⁴. A., S^r. Geo. C., & S^r. P. C., what shall bee then due unto them wth. 10 p^r. C^t. interest for the time it shall remain unpaid, w^{ch}. obligations are to bee made beforre the register, who is to record the same.

In regard there is no mony in Carolina, you are in y^e accompting to recon upon such Comodityes as the Country doth produce, & vallue the goods at the rate they cost us in England, reckoning the Comodityes at the rates following, viz; Ginger scalded, at 2^d. the lb. ; Scraped Ginger, at 3^d. p^r. lb. ; Indigo, at 3^d. p^r. lb. ; Silke, at 10^d. the lb. ; Cotton, at 3¹/₂^d. p^r. lb. ; Wine, at 2^d. the G^{lb}. ; Oye olive, at 3^d. the G^{lb}. ; Wax, at 9^d. the lb. ; pype staves, at a halfe penny p^r. stave; and in any of these Comodityes are you to receive o^r. debts at the rates specified above. You are as nigh as you can to observe what is loaden on o^r. ships from Port Royall for any other port, & also what shall bee brought in any of o^r. ships into Carolina, how many passengers, what goods, & for whose acc^o. of w^{ch}. you are from time to time to give us notice, & also how the Com^{dr}s. of o^r. Ships doe beehave themselves. If it should happen that so many of o^r. Deputyes should dye or depart out of Carolina, that there should not bee three there, then are you to observe the orders for the delivery of the Indian trade, provizions, &c., that shall bee from time to time given you by o^r. Governor, & so many of o^r. Deputys as are alive & in Carolina.

S. P. O. N^o. CAROLINA, B. T., VOL 2, p. 66.

Temporary Laws. [1671 ?]

It is resolved and agreed by y^e L^{ds}. Propriet^{rs}. y^t. till by a Sufficient number of Inhabitants y^e Governm^t. of Carolina can be

administred according to y^e Forme established in y^e Fundamentall Constitutions.

1. That y^e Palatine name a Governor, and each of y^e L^{ds}. Propriet^{rs}. a Deputy, w^{ch}. Deputys, with an equal number of others chosen by y^e Parliam^t, shall continue to be y^e Councillors till y^e L^{ds}. Propriet^{rs}. shall either order a new choice, or y^e Countrey be soe peopled as to be capable of y^e Governm^t, according to y^e fundamentall Constitutions; and when there shall be any Landgraves or Cassiques created by y^e L^{ds}. Propriet^{rs}., soe many of y^e eldest in age of them that are resident in Carolina, as shall be equall to y^e number of y^e L^{ds}. Propriet^{rs}. Deputys, shall be alsoe of y^e Councell, y^t. soe y^e Nobility may have a share in y^e Governm^t, and y^e whole administration may still come as near y^e forme designed as y^e Circumstances of y^e groweing Planta^con will permitt.

2. The Governor, with y^e Lords Prop^{rs}. Deputys, y^e Landgraves and Cassiques y^t are Councillors, and those chosen by y^e Parliam^t., shall be ye Grand Councill, and shall have all y^e power and authority of y^e Grand Councell and other Courts till they come to be erected.

3. Besides y^e Deputys for Councillors, The Cheife Justice shall choose & constitute y^e Provost Marshall,

The Chancellor,	y ^e Secretary,
The Treasurer,	y ^e Receiver,
The High Steward,	y ^e Surveyor,
The High Chamberlaine,	{ Register of Births, Buryals & Marriages.
The Admirall,	Marshall of y ^e Admiralty.

4. The Article in y^e Fundamentall Constitutions beginning thus, [All y^e Revenues & Profitts,] shall not take place till y^e Lords Proprietors y^t. have layd out money in carrying on y^e Planta^con be reimbursed with such satisfaction as shall be agreed on amongst them.

5. To suite y^e begining of y^e Government to y^t. proportion of Land upon w^{ch}. y^e ballance of y^e Settlem^t. principally depends, and y^t. by takeing up great Tracts of land sooner than they can be planted; great gaps may not be made in y^e Plantation to y^e prejudice of y^e commerce, and exposinge y^e safety of y^e whole by strangling and distant Habitations. In y^e first takeing up of Land each Proprietor shall have but 3 Signiorys, and each Landgrave and Cassquie one Barony set out for him till by y^e increase of y^e Inhabitants part of seventy-two Colonys shall be possessed by y^e people, after w^{ch}. time it shall be free for every one to take up y^e proportion of Land due to his dignity.

6. All Lords of Baronys and Mannors shall be obligeid to have each upon his Barony 30 persons, and upon his mannor 15 persons, respectively within seven years after y^e date of his Grant, and whatsoeuer Lord of a Barony or Mannor shall not have soe many persons on his Barony or Mannor respectivly at y^e end of

y^e s^d. seaven years shall be lyable to such fine as y^e Parliam^t. in Carolina shall thinke fit, unlesse y^e L^d^s. Prop^r. shall allow him longer time for y^e planting his Barrony or Manor with people to that proportion.

7. All Acts y^t. shall be made by y^e Parliam^t. before our Gov-ernt^t. of Carolina be administred according to our Fundamentall Constitutions shall all cease and determine at y^e end of y^e first Session of Parliam^t. y^t. shall be called, chosen, and shall sit according to y^e Articles concerneing Parliam^t. established in our Fundamentall Constitutions.

RAVEN,
ASHLEY,
G. CARTERET,
P. COLLETON.

SEE SAME VOL. p. 78.

Temporary Laws to be added to y^e former.

8. Noe Indian upon any occasion or pretense whatsoever is to be made a Slave, or without his owne consent be caried out of our Country.

9. If it happen that any of our Deputys shall by death or departure out of Carolina, or any otherwise, cease to be our Deputys before we shall have deputed others in their roome respectively, that y^e number of our Deputys may always be kept full, y^e eldest of y^e Counsellors chosen by y^e Parliam^t. shall be to all intents & purposes Deputy of that Propriet^r., whose former Deputa^con is by death or otherwise determined, till the said Proprietor, his heir or successor, shall make another Deputy. And when it shall happen that one or more of y^e Counsellors chosen by y^e Parliam^t. shall by this means come to be Deputy of Prop^r., new Counsellors shall be chosen to fill up their place in Councill by y^e Parlim^t. at its next Session. Provided always, that if the Proprietor whose vacant place is thus supplied, shall make some other person his Deputy; then he, who, by eldership, came to be his Deputy, shall be Counsellor as he was before. And he y^t. was last chosen into y^e Councill by y^e Parliam^t. shall cease to be a Counsellor if there be more of those chosen by y^e Parliam^t. than there be of our Deputys.

Signed and Sealed by

RAVEN,
ASHLEY,
G. CARTERET,
P. COLLETON.

S. P. O. NORTH CAROLINA. B. T., VOL. 2, p. 87.

Carolina Temporary Laws.

21 June, 1672.

Since y^e Paucity of Nobility will not permitt y^e fundamentall Constitutions presently to be put in practise, It is necessary for y^e supply of that defect, that some temporary Laws should in the meane time be made for y^e better ordering of affairs, till by a sufficient number of Inhabitants of all degrees y^e Governmt. of Carolina can be administred according to y^e forme established in y^e fundamentall Constitutions We y^e Lords Prop^r. of Carolina, upon due consideration have agreed to theise following.

1. The Palatine shall name the Governor, and each of y^e Lords Proprietor^s shall name a Deputy, who wth. y^e Govern^r. & an equall number of others chosen by y^e Parliam^t, shall continue to be the Councello^r till y^e Lords Proprietor^s, shall either order a new choice, or y^e Country be soe peopled as to be capeable of y^e Governm^t. according to y^e fundamentall Constitutions, and as there shall be Landgraves & Cassiques created by the Lords Prop^r., soe many of the eldest in age of them that are present in Carolina, as shall be equall to y^e number of y^e L^d., Prop^r., Deputys, shall be alsoe of y^e Councell, that soe y^e Nobility may have a share in y^e Governt^r, and the whole Administration may still come as neere y^e forme designed, as the Circumstances of the growing plantation will permitt.

2. The other Seaven Proprietor^s, shall respectively nominate theise following Officers, viz. :

The Admirall,	The Marshall of the Admiralty.
The Chamberlaine,	{ The Register of Births, Burials & Marriages.
The Chancellor,	The Secretary.
The Constable,	The Millitary Officers.
The Cheife Justice,	The Register of Wrightings.
The High Steward,	The Surveyor.
The Treasurer,	The Receiver.

And upon the vacancy of any of theise Officers, the Governo^r & Councell in Carolina, shall substitute others till that Proprietor^s pleasure can be knowne in whose nomination it is.

3. The Govern^r. together wth the Lords Proprietor^s. Deputys, the Landgraves & Cassiques that are Councillors, and the Counsellor^s chosen by the Parliam^t. shall be the Grand Councell, and shall have all the power and authority of the Grand Councell and other Courts till they come to be erected. The Quorum of the Councell shall be the Governo^r & sixe Counsellor^s., whereof three at least shall be Deputys of Proprietors.

4. If it happen that any of the Lords Prop^r. Deputys, shall by death, or departure out of Carolina, or any otherwise cease to

be Deputy before y^e Lords, Prop^{rt}., respectively shall have deputed others in their roome; That the number of Deputys may always be kept full, the eldest of the Councillors chosen by the Parliam^t, shall be to all intents and purposes Duputy of that Prop^r. whose former Deputacon is by death or otherwise determined, till y^e s^t. Prop^r. his heir or Successor shall make another Deputy. And when it shall happen that one or more of the Councillors chosen by the Parliam^t, shall by this meanes come to be Deputys of Prop^{rt}., new Councillor^s shall be chosen by the Parliam^t at its next Session to fill up their places in Council, Provided always, that if the Propriet^r. whose vacant place is thus supplyde shall make some other person his Deputy, then he who by eldership came to be his Deputy shall be Councill^r. as he was before, and he that was last chosen into the Council by the Parliam^t shall cease to be a Councill^r, if there be more of those chosen by the Parliament then there be Deputys of Proprietors.

5. The Parliament shall consist of y^e Governo^r, y^e Deputys of the Lords Proprietors, the Nobility and twenty chosen by the Freeholders, and shall have power to make Laws to be rattifyd as in y^e fundamentall Constitutions is Provided. And shall be assembled as often and in the same manner, as in y^e fundamentall Constitutions is provided concerning Parliaments.

6. All Acts, that shall be made by the Parliam^t. before our Government of Carolina come to be administered according to our fundamentall Constitutions, shall all cease & determine at y^e end of y^e first Session of Parliament that shall be called, chosen, and shall sitt according to y^e Articles concerning Parliaments established in the fundamentall Constitutions.

7. Soe much of the fundamentall Constitutions as shall be capeable of being put in practise, shall be y^e rule of proceeding. Signed & Sealed, this 21st of June, 1672.

CRAVEN,
SHAFTESBURY,
G. CARTERET,
P. COLLETON.

S. P. O. N^o. CAROLINA, B. T., VOL. 2, p. 83.

Agrarian Laws or Instructions from the Lords Proprietors to the Governor and Council of Carolina.

21 June, 1672.

Since y^e whole foundation of y^e Government is settled upon a right and equall distribution of Land, and the orderly takinge of it up is of great moment to y^e welfare of y^e Province. And though the Regulation of this need not be perpetuall, yet since all y^e concerne[n]tment thereof will not cease as soone as the Gover-

ment comes to be admistred according to y^e forme established in the Fundamentall Constitutions, that the distribution & allottment of land may be with all faireness & equality, and that the conveniency of all degrees may be as much as is possible in their due proportion provided for, Wee, the Lords Proprietors of Carolina have agreed upon theise following Temporary Agrarian Laws.

1. Before any River beginns to be planted on, The Surveyor Generall shall sett out Squares of twelve thousand acres apece on both sides of y^e River by lines running directly East & West, North & South, beginning from y^e mouth of y^e River, and soe following the course of it into y^e Country.

2. The two first squares on y^e right hand at y^e entrance of the mouth of the River, shall be Barrony's, & belong to the Nobillity; the three next Squares on the same side of the River shall be Collony's, & belong to the people. The two next Squares shall be Signiorys, and belong to the Lords Prop^r., and the three next Squares shall be Collony's, & belong to the people; the two next Squares shall be Barrony's againe, & soe on in y^e same order. The three first Squares on y^e left hand, at y^e entrance of y^e River, shall be Collony's, the two next Signiorys, the three next Collony's againe, the two next Barrony's, and soe on. Soe that of tenn Squares fronting on a Navigable River, sixe shall belong to y^e people, two to y^e Lords Prop^r., & two to y^e Nobillity. And opposite to y^e Signiorys and Barrony's on one side of a Navigable River shall be Collony's on the other.

3. Each tenn adjoining Squares fronting on a Navigable River shall belong to one County, and y^e thirty remaineing Squares to compleat the County shall be taken out of y^e next adjacent Land lying backwards from y^e River to make the whole County as compact as may be.

4. Where the County backwards will admitt it, there shall be laid out behinde each Square three other Squares of twelve thousand acres apece in a direct line, which three Squares thus lying behind shall be Signiorys, Barrony's, or Collony's respectively, as y^e foremost is, w^{ch}. fronts on the River. But where it shall happen that the land doth not admit the laying out fower Squares deep betwixt that and the next Navigable River, there the Signiorys, Barrony's, and Colonys that are behinde shall be laid out and appropriated to the Lords Prop^r, Nobillity and People, by direction of the Grand Councell, soe as may be most agreeable to y^e fundamental Constitutions, and convenient for the whole County, keeping still to the proportions of one-fifth to the Lords Prop^r, one-fifth to the Nobillity, and three-fifths to the People of each County, both in quantity and goodness of land as much as may be.

5. When a County is sett out, and the severall Squares or

Parcells of twelve thousand acres apeece appropriated, one-fifth of them for Signiorys to the L^ds. Prop^r., one-fifth for Barronys to the Nobillity, and three-fifths for Collonys to the Peole, whereof a map shall be made and kept in the High Steward's Court. The Lords Prop^r. shall, each of them, choose one Signiory when he pleaseth, and if two of them come together to make their choice, the precedence shall be determined by lott. But noe Propriet^r. shall choose a second Signiory till he hath an hundred inhabitants upon his owne particular Signiory in Carolina. But as soone as he hath one hundred inhabitants upon his owne Signiory, he shall have liberty to choose another Signiory out of any of those twelve thousand acres which, being appropriated to the Lords Prop^r., are not yet taken up, and soe on for every hundred inhabitants he hath upon any of his Signiorys he shall have liberty to take up a Signiory. Provided always, that noe Proprietor shall at any time take up or have any more Signiorys than there are Countys sett out and devld into Signiorys, Barronys and Collonys as afores^d, and mapps of them lodged in the High Steward's Court, where his choice alsoe is to be recorded.

6. Among the Landgravés he shall choose one of his Barronys, first out of the Squares appropriated to y^e Nobillity who first makes his demand, and plants on it, but shall not choose a second Barrony till he hath one hundred inhabitants upon his first Barrony ; nor shall he choose a third Barrony till he hath two hundred Inhabitants on his Barrony. Nor shall he choose his fowerth Barrony till he hath three hundred inhabitants on his Barronys. The same method alsoe the Cassiques shall observe in the choice of their Barronys respectively, and the choice of each of their Barronys, as they are made, shall be registered in the High Steward's Court.

7. Any Landgrave or Cassique, when it is his right to choose, shall take any of y^e Barronys appropriated to the Nobillity which is not already planted on by some other Nobleman.

8. The Collonys that are appropriated to the people shall be planted on as the increase of the people shall spread the Plantation.

9. At the first there shall be twelve Countys thus sett out, and twelve Landgraves and twenty-four Cassiques created, nor shall any more Landgraves or Cassiques be created till the increase of people hath extended the plantation beyond the said twelve Countys, and then as soone as a New County beginns in any part to be planted, there shall be twelve more Landgraves, and fower and twenty Cassiques created, and in this manner shall they proceed till y^e whole Province be planted.

10. In y^e more Inland parts, remote from Navigable Rivers, the fourty Squares constituting a County, shall be laid as closely and compactly together as may be, and be marked & appropriated eight of them for Signiorys, eight of them for Barronys, And y^e

remaining twenty-four for Collonys by direction of y^e grand Councell.

11. All Lords of Barronys and Mannors shall be obliged to have each upon his Barrony, thirty persons, and upon his mannor fifteene persons respectively, within seaven yeares after ye date of his Grant. And whatsoever Lord of a Barrony or Mannor at ye end of the said seaven yeares, shall not have soe many persons on his Barrony or Mannor respectively, shall be lyable to such fine as the Parliament in Carolina shall think fitt, unless the Lords Proprietors shall allow him longer time for planting his Barrony or Mannor with people to that proportion.

12. Whosoever of the Lords Proprietors is behinde in his particular share of the comon charges in carrying on this selement, And hath not paid in his proportion equall to those of the Lords Proprietors who have paid most, shall not, dureing his being soe behinde upon any vacaney in any of ye eight great offices belonging to the Proprietors, have his choice according to his age. But those of the Lords Proprietors who have paid in their full shares shall choose first according to the precedency of his age respectively, and the rest according to his payments, he first who hath paid most & soe in order.

13. Whosoever alsoe of the Lords Proprietors shall be behinde hand as abovesaid, shall loose the election of any Officer that dureing his being behinde hand shall fall in his guift and the power of election shall devolve to the Pallatines Courte.

14. Whosoever alsoe of the Lords Proprietors shall be behinde hand as abovesaid at the time when Landgraves and Cassiques are to be nominated and chosen if he pay not in his mony to his full proportion within three months after demand shall for that time loose his nomination of a Landgrave and two Cassiques. And his nomination for that time shall devolve into y^e Pallatines Courte.

15. The one hundred and fifteenth Article of the fundamantall Constitutions shall not take place till the Lords Proprietors that have laid out mony in carrying on the Plantation be re-imbursed wth. such satisfaction as shall be agreed on among themselves.

16. The people shall plant in Townes wth. are to be laid out into large, straight & regular streets, and sufficient roome left for a Wharfe if it be upon a Navigable River

17. There shall be but one Port Towne upon any Navigable River for the first thirty yeares after the beginning to plant on the said River.

18. That Square of twelve thousand acres wherein any Indian Towne stands, and the next Square to it are to be left untaken up and unplanted on for the use of the Indians.

19. Noe Indian upon any occasion or pretence whatsoever shall be made a Slave, or without his owne consent carried out of Carolina.

20. When the Cheife Capitall City of the whole Province of Carolina shall come to be agreed on and sett out it shall stand in some precinct. And round about the said precinct there shall be eight Signiorys for each of the Lords Prop^r. one.

21. The Governor and any three more of our Deputys shall, upon his respective demand give their Warrant to the Surveyor Generall to sett out to every man such land as by our Concessions he hath a right to, and in such portions and manner as in our fundamentall Constitutions, Temporary Laws & Instructions is provided.

22. All originall Grants of Land shall be signed by none but o^r. Deputys, And the Governor and any three or more of our Deputys signeing and sealing it wth. the seale of the Pallatinat^e, shall make a good title, the deed being enrolled in the Register's office.

23. If the Governor and Councell in Carolina shall at any time hereafter represent to the Lords Proprietors that any of the Agrarian Laws for takeing up and setting out of Land are inconvenient, the Lords Proprietors reserve to themselves a power of altering the same.

[Loc. Sig.]	SHAFTESBURY,
[Loc. Sig.]	CRAVEN,
[Loc. Sig.]	H. CORNBURY,
[Loc. Sig.]	G. CARTERET,
[Loc. Sig.]	Jo. BERKELEY,
[Loc. Sig.]	P. COLLETON.

June y^e 21st, 1672.

S. P. O.; N^o. CAROLINA, B. T., VOL. 2, p. 68.

Captain Halsted's Instructions.

1 May, 1671.

1. Cap^t Halsted, God sending you safe to River Ashley, You are to deliver y^e eight lesser Guns with theire Carriages to y^e Governor & Councel there, & you are with all convenient speed to procure a loading of timber, pipe staves & other Commoditys to y^e Ship Blessing, fit for y^e Market of Berbados, of wth. you are to get y^e best information you can of persons upon y^e place, and if need be to make use of y^e Lords Proprietors Servants under y^e care of Mr. West to helpe to fell and load y^e same.

2. Dureing y^e loading of y^e ship you are to take an acc^t. of Mr. Joseph West, concerning those following particulars. What they were. How they have been disposed of. How those y^t. have been disposed of are to be payd for, & what remaines.

1. The Provisions of Victuals put on shoare at theire first landing.

2. The Provision of Cloths.
3. The Stores of War.
4. What Cask was put on shoare, y^t. y^e rest may be accounted for by M^r. Braine.
5. The Fishing Trade.
6. The Indian Trade.
7. £26 5^s. 6^d. y^e remainder of £61 p^d. M^r. West by M^r. Portman upon my L^d. Ashley's order, w^{ch}. £26 5^s. 6^d. M^r. West never accounted for.
8. The Cargo from Virginia.
9. The Provisions received from Bermudos.
10. The Lords Prop^{rt}. finde y^t. M^r. West and M^r. Brayne at theire being at Bermudos, drue upon M^r. Colleton two six thousands pounds of Sugars, & since y^t. 12,000 pounds more of sugar hath been drawne upon M^r. Colleton. Wee desire to know what this 24,000 pounds of sugar was layd out in, and how y^e effects disposed of.
11. The Beefe & Flower sent by M^r. Colleton.
3. At your comeing alsoe to Ashley River, you are to deliver y^e. Cargo to M^r. West and take his receite for all y^e particulars thereof.
4. If you have any time dureing y^e Ships loadeing at Ashley River, y^e. are to take a view of y^e Countrey, especially of y^e River Ashley, & thereon to seeke for a healthy highland, convenient to set out a Towne on as high up as a Ship can well be carried, and of this to bringe up a particular exact Description, y^e same thing you (if you have time,) are to doe in Wando River, and alsoe Sewa River.
5. You are to informe y^rselfe alsoe dureing y^e stay you shall at any time make in Carolina, concerning y^e healthynesse, richnesse & other Propertys of y^e soyle, y^e usefull Productions of y^e Countrey, & enquire w^t. masts y^e Countrey products, of w^t. Diameter y^e largest, and whether y^e great ones grow near y^e sides of any Rivers by w^{ch}. they may by water be brought to the ship, & to bring Samples of Casini and their dyeing Stuffles, &c.
6. As soone as y^e ship is loaden you are to goe with her to Berbados, & there touch at Angustins & enquire of y^e health of y^t. Island, & if you finde you may safely trade there you are to sayle to y^e bridge Towne, & there dispose of y^e Timber, &c. on board y^e best you can for our advantage, selling it if possible you can for ready money, if you cannot you are to consult with M^r. J^{no}. Strode, & take all otherways you can to informe yourselfe w^t. persons you may trust.
7. If you have trade at Berbados, you are to consult with Sir Jn^o. Yeamans & M^r. Tho. Colleton of y^e best course you can take to get a quicke fraught of Passengers for River Ashley (y^e carrying of Passengers being y^e maine end of our sending out this Ship,) and you are to lay out y^e produce of y^e Cargo of Timber,

&c., & what you shall get for fraught of Passengers, &c., in Rum and Sugar and other goods fit to make a Cargo for y^e trade of Virginia.

8. At Berbados you are to enquire and bring us an acc^t. w^t. those Bills charged upon us by M^r. Colleton were for.

9. As soon as you have gotten your loading of Passengers you are to sayle to River Ashley againe, and as soon as y^e ship is there deliverd you are to sayle to Virginia and there lay out y^e produce of y^r. Rum & Sugar in Cattle, w^{ch}. you are to transport to Ashley River, and these deliver to M^r. West, y^e remainder of y^r. Cargo you are to lay out in Provisions, &c., fit for y^e market of Berbados, if there be not any need of them in Carolina.

10. Dureing your stay in Virginia you are to state y^e acc^{ts}. between us & M^r. Godwin & M^r. Bennet, concerning w^{ch}. you must remember. 1st. That they give us noe acc^t. at all w^t. our Cargo yielded w^{ch}. came into theire hands, as appears by their letters, & whereof you have an Invoye was sold for there. 2^d. M^r. Bennet states his acc^t. to us in money, whereas y^e scale of Commerce in that Countrey being Tobacco, wee have reason by y^e prices wee finde sett downe in his acc^t. to think he record all those things too dear, w^{ch}. 3^d. Wee have more reason to suspect, because he Hath not as M^r. Godwin has set downe in his acc^t. y^e Persons from whom he bought those things wee had of him. Concerning all these acc^{ts}. of Virginia, y^e rates of y^e things therein mentioned, & y^e way how wee may have right done us you are to apply y^rselfe to S^r. William Berkley & S^r. Henry Chichley & M^r. Applewaight, and to informe yourselfe by any other ways y^t. you can.

11. God sending you safe to River Ashley you are to sayle to Berbados with another Cargo of Timber, &c., y^e produce whereof you are to invest in a Cargo fit for y^e Bahamas, and if Passengers doe present, to sayle from thence to Ashley River, and from Ashley River to New Providence, and there to deliver y^e Boxes & Letters sent by you, & y^e 4 Sakers with theire Carriages, & y^e shot belonging to them, and y^e 2 Barrells of Powder to y^e Governor there, for y^e use of y^e Island, and make use of his assistance for y^e sale of y^e rum and Sugar for y^e procureing you a loading of Brasiletto wood, and w^t. else is to be had there fit for y^e Market of England, with w^{ch}., if y^e ship be full you are to come directly for London, if shee be not, you are to touch againe at River Ashley, and fill her with y^e best Stocks of Cedar you can finde, & from thence to sayle for London.

12. If you shall judge it unsafe to trade at Barbados by reason of any infectious disease there, you are then with as much safety as you can to deliver y^e Timber to M^r. Jⁿ. Strode, & haveing gotten on board things necessary to load salt, you are to sayle to the Salt Tartugos, and there load your ship with Salt, & sayle with her to Virginia, & from thence, as is above directed

13. In all y^e trips you shall make to any place in y^e West Indies, yo^a are still to remember yt. y^e cheife imploynt, wee send our ship for is to carry people to our Plantaçon at Ashley River, w^{ch}. designe you are mainely to intend, and to minde y^e other businesse of Traffique but as it may be in subservency to yt., and in concurrence therewth, may helpe to beare y^e charges of our Ship whilst shee is abroade.

14. In all y^e places you goe, you are to learne as much as you can, any of y^e husbandry of Manufactures of y^e place, w^{ch}. may be usefull to our people in Carolina, as particularly in Virginia y^e sorts, & ordering of mulberry trees, Silkeworms & all belonging to y^e right way of makeing y^e best Silk, Tobacco, Indigo, Cotton, &c., & this to communicate to our people at Ashley River, & particularly you are to carry from Virginia some of y^e best sort of mulberry trees for Silkworms & plant them there.

15. You are to consult with y^e Governor & Councel at Ashley River about y^e best way of disposeing of our Stores, and our being repayd by y^e Peopple for wt. wee trust them with, and to informe them yt. as wee aime at theire thriveing, and to that end have been soe much out of purse, soe wee expect from them faire and punctuall dealeing in repaying us for what wee let them have, upon w^{ch}. faire dealing of theires will depend y^e continuation of our Supplys.

16. If you shall by any accident at any time before your second voyage to Berbados touch at Bermudos, you are there to leave with Mr. Jn^r. Dorrell, Sen^r., y^e Duplicates of our Dispatches to New Providence, to be sent forwards thither by y^e first opportunity.

17. If dureing yr. being abroad you shall finde yt. a Trip to any other place, or in any other order than wt. wee have here directed, shall better serve to y^e Lords Prop^{rs}. designs of carrying people and turne to better account; Wee then leave it to your prudence, still keeping in your eye our mayne designe as in Article y^e 13, onely wee would not have you at all goe to Jamaica upon any pretense.

18. You are to take an account of y^e ships stores & y^e expences thereof, from time to time dureing y^e whole voyagē.

RAVEN,
ASHLEY,
G. CARTERET,
P. COLLETON.

Whitehall, May 1^o, 1671.

S. P. O. N^o. CAROL., B. T., VOL. 2, p. 74.

Lords Proprietors to Capt. Halsted.

* 2 January, 1671-2.

Capt. Halsted,

We have received your Dispatches, both from Barbadoes & New York, and are extremely well satisfied with your management of our affairs, and the account you give us thereof. Having taken new resolutions concerning your stay abroad, you are to govern yourself by these following Instructions :

1. If these Instructions meet you at Barbadoes, & a sufficient freight of passengers or goods for Carolina present there, you are with all speede to loade and saile for Ashley River.

2. When you have unloaden at Ashley River, you are to take in y^e Carriages sent by Capt. Jeffryes, belong^g. to the Guns appointed for Providence, & with them and other things directed to Providence you are to saile thither.

3. If no sufficient freight present at Barbadoes for Carolina you are then to saile from Barbadoes directly to Providence.

4. God sending you safe to Providence, you are there to deliver up to Capt. John Wentworth the Commisⁿ. herewith sent you, & the other things as in your former Instructions, & having enquired out the fit men to be our Deputies, you are to fill up the blank Deputations herewith sent you. My Lord Craven having formerly deputed Capt. David, My Lord Ashley, John Robinson, Sir George Carteret, Richard Jones, & Sir Peter Colleton, Jarvis Ingolsby. You are to continue as many of them in the same Deputuations as you shall find not to be unfit.

5. We having intentions for the better support of the people, & settlement of that Plantation, to set up a Factory there, you are carefully to inform yourself in these following particulars :

1. What number of people are upon the place.
2. What goods are there most wanted, & will sell best.
3. What quantities the people will take off.
4. What commodities the Island doth afford, & the people are able to make returns in.
5. Whether they are able to make ready pay for what we furnish.
6. If we should trust any of them what security could be given for our repayment.
7. Whether there be any one upon the place fit for us to entrust as our Factor.
8. What Whales do haunt those Islands, & what profit might be made by setting up a whale fishery.

9. What vessels use the trade of those Islands, and what wages they make as to profit.

6. We having prohibited the cutting of Brasiletto wood, & y^e coasting for Ambergris, Spermacetti & wrack good to any but such as the Governor, three of our Deputies, & our agent, whilst there, (which you now at present are) shall license., We w^d. have you let the Govern^r know that we w^d. have none licensed when we have a Cargo there, to cut Brasiletto wood, or to coast for Ambergris, &c., but such as will not only give security to make good to us one-fifth part of Ambergris, &c., w^{ch} we reserve to ourselves, but also to sell us all the wood they shall cut, & y^e remaining four parts of all the Ambergris & Spermacetti at reasonable rates agreed with them. In w^{ch}. trade the Governor, if he pleases, shall have a share with us. *

7. In ord^r. to this trade We intend to have a Factory there, & to keepe a stock going for Brasiletto wood, & for these other things above mentioned. And to this purpose we w^d. have you prepare the business, & try what rates we may agree with the people to have them at when we send a Cargo thither. And till we have goods there to pay for them, those who are licensed are only to deliver the one-fifth part (which we reserve) to our agent, & in his absence to the Governor, but their own shares, being the remaining four parts, they may dispose of as they please.

8. Having dispatched all things in Providence according to your Instructions, you are to take in what Brasiletto wood or other Commodities present fit for y^e market of London upon freight or otherwise, & from thence sail to Ashley River, & there complete yr. loadeing with the choicest stocks of cedar squared, & soe come directly hither.

9. At yr. return to Carolina from Barbadoes you are to take what order you can with M^r. West that a ship loadeing of square stocks of Cedar be readye for you against your returne thither from Providence.

10. In all the stays you shall at any time make at Ashley River, we w^d. have you make what discoveryes you can in the Rivers & Countries thereabouts, wherein we have writ to the Governor & Council to be assisting to you.

Your very loving Friends,

ASHLEY,
CRAVEN,
G. CARTERET,
P. COLLETON.

Whitehall, 2^d January, 1671-2.

S. P. O. NORTH CAROLINA. B. T., VOL. 2, p. 90.

Concessions of y^e Lords Prop^r. of Carolina to certain persons in Ireland.

31 August, 1672.

Every freeman that arrives in Carolina to plant there wthin. one yeare after y^e date hereof, shall have for himselfe one hundred acres of freehould. And for each man servant above sixteene yeares of age he carrys wth. him, or causeth to be transported, one hundred acres. And seaventy acres for each Woman he carrys wth. him in his family or causeth to be transported. And seaventy acres for each man servant he carrys wth him under sixteene years old, to him & his heires for ever, paying to y^e Lords Proprietors after y^e yeare 1689, one penny p^r. acre annuall rent.

Every servant when out of his or her time, shall have sevnty acres of freehould for ever under the same rent.

Those that goe may (if they please) take up one or more Collonys according to their number, and y^e quantity of land granted by theise concessions entirely to themselves, wherein they may have y^e free exercise of their Religeon according to their owne discipline. And alsoe such as carry people enough to have right to soe great lotts, may if they please, take up mannors, vid. fund. const. : 17.

It is required of them in order to their better settlement that they plant together in townes, & build not their houses stragglingly one from another, such solitary dwellings being uncapable of that benefitt of trade, y^e comfort of society and mutuall assistance, w^{ch}. men dwelling together in Townes are capable of giveing one another. And therefore in each Colony there must be at least one Towne, the placeing whereof we leave to their own choice. But y^e Streets we w^d. have for y^e convenience of the Inhabitants, straight, broad and reguler.

The Worthy person the Undertaker, if he gett 600 men to be transported thither wthin a yeare, shall be made a Landgrave, vid. fund. cons. : 9, and have fower Barronys. If 900 he shall (besides being himselfe a Landgrave) have the nomination of a Cassique. If twelve hundred or upwards, he shall have the nomination of two Cassiques.

Every man that goes must carry wth. him at least one yeares provizion, and for other things to be carried and y^e best way of transporting themselves and stocks, we will give them the best advice we cann.

S. P. O. N^o. CAROLINA. B. T., VOL 2, p. 62.

Instructions to the Governor and Council of Ashley River.

1 May, 1671.

[Parliam'.]—1. You are within thirty days after receipt hereof to summon y^e Freeholders of y^e Plantation, & require them in our names to elect 20 persons who, togeather with our Deputys as our Representatives, for y^e present are to be your Parliam', by and with whose consent, or y^e major part of them, you are to make such Laws as you shall finde necessary, w^{ch}. Acts shall be in force as in y^t. case is provided in our Fundamentall Constitutions & Temporary Laws.

[Parliam'.]—2. After y^e same maner till our Fundamentall Constitut^s. can be put in practice yo^u are to call a Parliam'. y^e first Monday in Novembr. every two years, and as often besides as y^e state of our affaires in o^r. Plantatⁿ. shall require.

[Grand Councell.]—3. You are to require y^e Parliam'. to choose five men whom they think fittest to be joynd with our five Deputys, who with y^e five eldest men of the Nobility are to be your Grand Councell.

[100 Acres.]—4. You are to take notice y^t. wee doe grant unto every free person y^t. shall arrive to plant & inhabit in Carolina before y^e 26th March, 1672, 100 acres, & 100 acres more for each growne man Servt. they bring with y^m. or cause to be transported into y^e s^d. Province, & 70 Acres for each Woman Servant they bring with them, or man Servt. under 16 years of age, and to every servant y^t. shall arrive before y^t. time 70 acres, to his or her proper use when they shall respectively be out of their time, to y^m. and their Heirs forever, & y^e same conditions wee grant to all persons y^t. shall arrive to plant & iinhabit in Carolina after y^e s^d. 26 March, '72, untill you receive from us farther Instructions concerning this matter.

[Squares.]—5. You are to cause y^e Land to be layd out into Squares, each containeing 12,000 Acres, w^{ch}. Squares are to be bounded by Limits runeing directly from East to West, & from North to South, and be set out for Seignurys, Colonys & Barrounys, as in y^r. former Instructions.

[Townes.]—6. You are to cause all y^t. take up Land in one and y^e same Colony to set their houses togeather in one place, but y^e place w^{ch}. shall be set out for y^t. Towne wee leave to y^e choice of y^e Inhabitants themselves of each Towne respectively.

[Modell.*]—7. When y^e place for y^e Towne is chosen by those

* That ye Model of ye Towne mentioned,⁷, was of streets runing strait, whereof ye largest was 80 foot, ye back street to yt. 40 foot, ye next, 60 foot, & ye back street 30, wch. streets divided the Towne into Squares, each of whose sides was 600 foot.

who are to dwell in it y^e Surveyor shall lay out Streets according to y^e modell herewith sent as near as y^e particular scituacion of y^e place will admit, and those who afterwards build in y^t. Towne shall set theire houses fronteing to those Streetes soe layd out and take soe many foote as in y^e Front of theire building towards y^e Street in breadth, and soe farr backwards towards y^e next street behind, in length as shall be convenient for outlet, belonging to y^e s^d. house, that soe when hereafter y^e Towne shall come to be built with good houses, y^e Streets alsoe may be large, convenient and regular.

[Wharf.]—8. In all Townes built upon navigable Rivers, or Rivers capable of being made navigable, noebody shall build a house within 80 foote of y^e low water marke, but it shall constantly be left for a Wharfe for y^e publick use of y^e Towne.

[Common.]—9. Round about y^e place chosen for y^e Towne to be built on there shall be set out a Common of 200 acres, where y^e Inhabitants of y^e Towne at theire first comeing may plant theire Provisions, whilst y^e Surveyor is measuring out y^re. distinct home & out Lotts, w^{ch}. common shall be made use of by y^e s^d. Towne for y^e planting of Provisions for each housholder, proportionably to y^e number of persons in his Family for y^e first one & twenty years after theire planting there, and after y^t. time shall be a piece of ground belonging to y^e Inhabitants of y^e Towne in Common for y^e feeding of theire Cattell, exercise of y^e people, enlargemt. or any other Conveniencys of y^e s^d. Towne as occasion shall require.

[Lots.]—10. In y^e setting out y^e lands for y^e Inhabitants of any Towne in any Colony you shall set out for each freeholder in two Lots, one called his home Lot, all in one peice, consisteing of not above one twentieth part of his whole right, and y^e other remayneing part called his out Lot in another, altogeaither in what place he shall like best, provided it be not within that distance of y^e Towne w^{ch}. is designed for home Lots for others, and in setting out all y^e lots noe man shall have more than one fifty of y^e length of his Lot to front upon any Navigable River, or any River capable of being made Navigable.

[Inland.]—11. Wee would have you as much as you can to direct and perswade y^e people to plant as far up in y^e Countrey as may be to avoyd y^e ill aire of y^e low lands near y^e Sea, w^{ch}. may endanger theire health at theire first comeing.

[Port.]—12. The first convenient healthy higland upon y^e River Ashley we desire you to send us a Description of, & your opinion whether it be not fit to build y^e Cheife Port Towne on y^e River for y^e unloading of ships y^t. shall come to Carolina.

[Map.]—13. You are alsoe to send us a Description of River Ashley & Wando River, drawne by a Compasse and Scale, and a Map of y^e Countrey divided into Squares of 12,000 Acres apiece, by lines runeing East & West, North & South.

[Indians.]—14. If any people shall, with armes invade you

and with Acts of Hostility molest you in your Plantaçon, you are to defend yourselves against them and doe for your preservation and future security what y^e. shall finde requisite, but you are always to remember to keep a faire correspondence with all y^e people round about you who doe you noe harme, and to be very carefull not to give them any occasion of offence, and to make them ample satisfaction when any of our people shall doe them any injury by punishing y^e Offenders, and making them Reparaçon.

[*Beads.*]—15. Since a great part of y^e Commodityes wee have from y^e Indians is bought with beadcs, and it is of great concernm^t. to our peopple there, y^t. y^e value of beades should be kept up with y^e Indians, if you have not already better provided, y^t. it may be done, We would have one or two of y^e discreetest men in every Towne, be chosen and appointed by y^e Inhabitants of y^e s^d. Towne to truck wth. y^e Indians for Beades, and y^t. noe body else be permitted (but men soe appointed) to give y^e Indians beades for any Commodity, but y^t. whoever would buy any thing of an Indian for Beads, should bring y^e Indian and his Commodity to one of y^e men soe appointed, who shall agree wth. y^e Indian for y^e Commodity at such a quantity of beads as he shall thinke fitt & reasonable. That soe by y^e Covetousenesse or ill managem^t. of any of y^e private planters, y^e rate of Beades may not be brought low among the Indians. The choice of those men who are thus to trade with y^e Indians shall be in every Towne once every month.

[*Stores.*]—16. You are to take care y^t. by a too forward and easy disposeing y^e things in our Stores, our Stock of Provision and other Comodityes there be not spent idely, w^{ch}. are to be kept there for and allowed only to such as stand in absolute necessity of them. You are alsoe to take care y^t. those y^t. take them up pay us in worke or y^e produce of y^e Countrey.

[*Timber.*]—* 18. You are to take care upon y^e arrivall of our Ship, y^e Blessing, y^t. there be forthwith provided a Ship loading of such Timber as Capt. Halsted, Capt. of y^e said Ship shall direct, and for y^e speedier Dispatch away of our s^d. Ship.

[*Debts.*]—* Wee would have you to indeavour to procure such and soe many of those who are in our Debts for things taken out of our Stores, to worke at moderate rates about y^e cutting, squaring, and loading of y^e s^d. Cargo of Timber, as shall be convenient for y^e expeditinge y^e same s^d. worke and quick Dispatch of our s^d. Shipp.

[*Landgraves.*]—19. You are to take notice y^t. wee have made M^r. James Carteret, S^r. Jn^o. Yeamans and M^r. Jⁿ^o. Locke, Landgraves, and you are accordingly to set them out theire Barronyes according to our Fundamental Constitucons and Temporary Laws,

* It will be seen No. 17 is missing, but the following instruction which should be 18 is *not* numbered.

when ever they or either of them, or any one authorized by either of them, shall require it respectively.

[Ways.]—20. In y^e granting and setting out every man's Lot, you are to reserve convenient high ways from y^e Colony Towne to y^e Plantations y^t. shall be beyond it, and from one Colony Towne to another.

CRAVEN,
ASHLEY,
G. CARTERET,
P. COLLETON.

White Hall, 1st May, 1671.

S. P. O. NORTH CAROLINA. B. T., VOL. 2, p. 79.

Instructions to ye Governor & Council of Carolina at Charles Towne on Ashley River.

16 Dec., 1671.

1. In the Government of our affairs in the Plantaçon committed to yr. care, you are to follow such rules as we have given in our Fundamentall Constitutions, Temporary Laws & Instructions formerly sent.

2. You are to take notice that in all our Instructions formerly or hereafter to be sent, that of the latest date (where they at all vary from one another) is always to take place.

3. You are always from henceforth to fill up y^e Grand Councill from time to time, with a number of Councillors chosen by y^e Parliam^t. equall to y^e number of our Deputys.

4. You are to prepare such Bills as you shall thinke convenient for y^e good of y^e Plantaçon, & to present them by y^e Parliam^t. to be passed (if y^e Parliam^t. thinke fit) into laws. For there is noe thing to be debated or voted in y^e Parlt., but w^t. is proposed to them by y^e Councill.

5. You are upon all occasions to afford Capt^r. Halsted all y^e assistance you can, in y^e discoverys we have ordered him to make up y^e rivers or in any part of y^e Country where you are planted.

Signed & Sealed.

CRAVEN,
ASHLEY,
G. CARTERET,
P. COLLETON.

Whitehall, 16th Dec., '71.

The nature and scope of the various powers exercised by the Grand Council, as well as many intimations of the condition and circumstances of the colonists during the first two years of the settlement, may be gathered from the following extracts from the MS. Journals of the Council. Some account of the volume from which they are taken, together with further extracts from the same, will be found in Dalcho's Church History, and in a pamphlet published some years ago, called Topics in the Hist. of So. Ca.

[1671, August 28. (?)]—Upon full and mature deliberation had by the Governor and Councill upon the matter of the Oath administered to, and taken by the several members of the Grand Councill elected and chosen by Parliament into the same, according to the Lords Proprietors directions, which said oath followeth in these words, vitz. : You sweare that as a Councillor, and therein assisting with your best advice to the Governor of this Province of Carolina, for the time being, for and on the behalfe of the Lords Proprietors and Freeholders thereof, to the best of your skill and power you shall faithfully act and doe. You shall doe equall right to the rich and to the poore ; you shall not give, or be of Councill for favor or affection, in any difference or quarrell depending before you, but in all things demeane and behave your selfe as to equity and justice appertaines, and your place aforesaid requires, observing from time to time, the rules and directions of the Lords Proprietors, the Laws of England, and the laws that are and shall be established in the said Province for the best avayle of the Settlement thereof. You shall not of your selfe communicate the secretts or other transactions of the Governor and Councill to any person not of the Councill, without sufficient authority for the same, soe helpe you God.

Upon the hearing of the Petition, John Norton and Originall Jackson, against Mr. Maurice Mathews and others. It is ordered that the petitioner doe appeare before the Governor and Councill, upon Saturday, the ninth day of September next, peremptorily to prosecute the said Complaint against the Defendants. Capt. Florence O. Sullivan, Surveyor Generall of this Province, and John Culpeper, Surveyor, having this day come before the Governor and Councill, did then and there declare an agreement between them, the said Captaine Sullivan, and John Culpeper, as followeth, &c.

Mr. Stephen Bull, Mr. William Owen and Mr. Thomas Gray, are appointed by the Governor and Councill to prepare an answer to the Lords Proprietors, to be ready against Thursday next, being the 31st Instant.

[Sept. 5th, 1671.]—The Governor and Councill having considered how to dispose of the people arrived in the Lords Pro-

prietors Ship Blessing, agreeable to the said Lords Proprietors directions, and most convenient for the security and welfare of the said people, have ordered and ordeyned (nemine contra dicente,) a certayne parcell of land conteyning five and twenty acres, westward from the marsh Joyning to the west side of the land layd out for Mr. Thomas Gray nere this Towne, and so running along Stonoe Creek, be laid out for the Towne, whereof five acres shall be reserved for a Churchyard, and the rest of the land backward, on the said marsh, be preserved for planting lotts, for the said people, and others who shall hereafter arrive to settle there. And it is further ordered by the said Governor and Councill, that the said people shall forthwith goe and settle their several proportions of land allotted to them, in and about the said Towne, (that is to say,) four poles of land within the Towne, for a Towne Lott, and five acres without the Towne, for a planting lott, for every person in each family.

And for the avoiding of all variances and differences in the choice of the said lands, It is ordered that all and every the said Freeholders, shall draw a lott or chance where his land shall lye, and that the person or persons so drawing the first lott, shall have his land laid out, proportioned as aforesaid, next adjoyning to the marsh, upon the westward of Mr. Thomas Gray's land as aforesaid, and so successively each line upon his neighbors, according to their lotts, (fitt and convenient pathes and Streets from the water-side, and fifteen foot in breadth, along the water, for a public landing place, being first laid out and allowed,) with the best conveniency that may be, whereby every man may goe out of his Towne lott to his planting lott. And it is also ordered by the said Governor and Councill, that whatsoever person or persons, who shall draw lott, as aforesaid, or issue out any warrant for any of the said land, doe not effectually follow the Surveyor Generall or his Deputy, to cause his or their proportions of land to be laid out according to such lott or warrant upon the same, doe settle within three months after the drawing of the said lott, or date of such warrant, such person or persons soe neglecting, shall forfeit such his proportion of land there, by reason of such lott or warranty, from and after the expiration of three months, as aforesaid, to be disposed of as the Governor and Councill shall then thinke fit.

[Sept. 9th, 1671.]—Upon hearing the matter of the petition of John Norton and Original Jackson, against Mr. Maurice Mathews, Mr. Thomas Gray, and Mr. William Owen, both parties having referred themselves to the determination of the Governour and Councill, that the said John Norton and Original Jackson, shall have the sixteen peices of Cedar Timber desired, and one peice of Cedar Timber more, claymed by the said Mr. Maurice Mathews, Mr. Thomas Gray, and Mr. William Owen, &c.

Upon hearing the matter of the petition of Capt^t. Robert Donne, against Mr. Henry Hughes, It is ordered by the Governor and

Councill, that the said Henry Hughes shall pay one bushell of corne to the said Robert Donne, for his labour and paines in the said Henry Hughes, his plantation. Upon consideration this day had of the address made by Richard Rowser and Philip Jones, Servants to Mr. John Manerick, and how industrious and usefull the said persons have been in this Collony, for their better encouragement, It is ordered by the Governor and Councill, (nemine contra dicente,) that the said Richard Rowser and Philip Jones, shall each of them have ten acres of land, nere this Towne, bounding to the Southward of the lands laid out for Cap^t. Gyles Hall.

[Sept. 23d, 1671.]—Upon consideration this day had of the complaints of diverse persons in this Collony, who have had their armes lying a long time in the hands of Thomas Archcraft, Gunnsmith to be fitted, and by no means can get them dispatched, and considering what great necessity there is that all the armes in this Collony, should be always ready and well fitted for service, in case of any suddain alarum, It is therefore ordered, and ordeyned by the Governoour and Councill, that the said Archcraft, shall forthwith make ready and fitt up all the armes that are now in his custody, and that shall be brought to him for that purpose. And that the said Archcraft shall not worke upon any other worke, untill he hath finished the said Armes.

And it is further ordered by the Governoour and Councill, that the said Archcraft, shall not make any Indian hatchetts for any person or persons whatsoever, without special licence first had and obteyned from the Governoour and Councill for the same.

[Sept. 27th, 1671.]—The Governoour and Councill taking into their serious consideration the languishing condition that this Collony is brought into, by reason of the great quantity of Corne from time to time taken out of the plantations by the Kussoe and other Southward Indians. And for as much as the said Indians will not comply with any faire entreaties to live peaceably and quietly, but in stead thereof every light occasion, have and doe threaten the lives of all or any of our people whome they will suppose to them, and doe dayly persist and increase in their insolencyes soe as to disturbe and invade some of our plantations in the night time, but that the evill of their intentions have hitherto been prevented by diligent watchings. And for as much as the said Indians have given out, that they intend for and with the Spaniards to cut off the English people in this place, and have been observed to make more than an ordinary preparation for some such purpose, and have altogether withdrawn themselves from that familiar Correspondence with our people which formerly they used, whereby the more friendly sort of Indians are very much disengaged and retarded from entertaining any Amity or trading with our people, by all which and many other evident Consequences and hostile postures of the said Indians, It is adjudged by the

Governour and Council aforesaid, that the said Indians are endea-vouring and Contriving the destruction of this settlement and his Majesties subjects therein, for the prevention of which, It is advised and resolved and thereupon ordered and ordeyned by the said Governour and Councill, (nemine contra dicente) that an open warr shall be forthwith prosecuted against the said Kussoe Indians and their Coadjutors, and for the better effecting thereof, that Commissions be granted to Capt. John Godfrey and Capt. Thomas Gray, to prosecute the same effectuall. And that Mr. Stephen Bull doe take into his custody two Kussoe Indians now in this Towne, and theme to keepe with the best security he may, till he receive further orders from this Board.

[Oct. 2d, 1671.]—Upon consideration had of the disposing of the Indian Prisoners, now brought in for their better security and maintenance, It is resolved and ordered by the Grand Councill, that every Company which went out upon that expedition, shall secure and maintaine the Indians they have taken, till they can transport the said Indians, but if the remaining Kussoe Indians, doe in the meane time come in and make peace, and desire the Indians now prisoners, then the said Indians shall be set at liberty, having first paid such a ransom as shall be thought reasonable by the Grand Councill, to be shared equally among the Company of men that took the Indians aforesaid.

[Oct. 4th.]—Upon consideration of the most secure disposing of the store of Gunpowder, sent by the Lords Proprietors for the use and defence of this Province, and now remaining in the Lords Proprietors Storehouse in this Towne, and for as much as it is thought to be unsafe to be all in one place, It is therefore resolved and advised by the Grand Councill, that the said Store of powder shall be divided into three parts. One part thereof (that is to say) six barrells shall be lodged in the Lords Proprietors plantation, in the custody of Capt. John Godfrey, three barrells more in Sir John Yeamans his house in this Towne, and the remainder to continue in the Lords Proprietors Storehouse aforesaid.

[Oct. 24th.]—Upon consideration had of the better disposing of people that hereafter shall arrive in this place, It is advised and resolved by the Grand Council, that Capt. Jno. Godfrey, Capt. Thos. Gray, Mr. Stephen Bull, Mr. Maurice Mathews and Mr. Christopher Portman, doe with what convenient sped they may goe and view all the places on this River and Wadow River, and take notice and make a returne of what places may be most convenient to situate Towns upon, that soe the same may be wholly reserved for these and the like uses

[Oct. 26th.]—Upon serious consideration this day had, of the better safeguard, and defence of this Collony, It is ordered, ordayne, and declared by the Grand Council (nemine contra dicente) that all, and every person, and persons, now in this Col-

lony, except such as are members of the Grand Councill, or Officers attending the same, shall appeare in arms, ready fitted in their severall Companies, according to the list now given in, at the time and place appoynted by their severall Commanders, for the better informing them in the use of their armes, and the other exercises of military discipline, in order to a due preperation against any suddaine invasion, if any such should happen. And that whatsoever person or persons (except before excepted) shall in contempt hereof willfully absent him, or themselves, from their duty and attendance, as is afore directed, such person, or persons, for every offence, shall be severely fined, or punished, as the said Grand Councill shall judge convenient, unless a sufficient excuse for such their absence be showne and allowed. And hereof all commanders, and other officers, of all and every the Companies now raised in this Province, are by the said Grand Councill required to take notice, and return the names of all such absents as aforesaid, if any such should happen, to the Grand Councill, at their next sitting, after the making of such default. And it is further ordered and ordayneed by the said Grand Councill, that every Captain, or other Commission Officer of a Company, shall have power by himselfe, by a note under his hand, to Command all, or any Smith or Smiths, now in this Collony, or hereafter to come in the same, whether freemen, or servants, to worke up, and fitt all and every Gun, or Guns, which he shall find in his Company not well and sufficiently fitted for service. And whatsoever Smith or Smiths shall disobey, or unnecessarily prolong the performance of such directions, or if a master shall deny his servant being a Smith, to observe the same, such Smith or Smiths, or Master of such servant, upon complaint thereof made to the Grand Councill, shall be severely punished for his or their contempt hereof. For as much as of late there hath been a great neglect in the due observance of the watches in this Towne, whereby the safety of this Collony is very much hazarded, for the prevention whereof for the future, it is ordered by the Grand Councill, that Tho^o. Thompson, Marshall of this Province, shall take a list of all the persons in this Collony as they are modellized in the Watch, and accordingly shall give notice to every person, the time when he is to watch, or leave a note at their house or houses, or there declare the same to the master or overseer of such person as is to watch. And if it happen that any person, or persons, shall really be sick, as that he is altogether incapable of performing his duty in the Watch, then the said Marshall shall give notice to the next mentioned person on the said lyst, and who are in health, to watch that night, that soe the number of five men may be preserved entire to watch every night. And forasmuch as those persons inhabiting in the outward plantations are put to a necessity to watch their plantations, as well as the Towne, therefore, that the said Watches may be more equally ballanced, It is also ordered by

the said Grand Council, that in every revolution of the Watches, those who dwell in the Towne shall watch twice, and those who are in the outward plantations shall watch but once. And it is further ordered, ordayne and declared, that whatsoever person, or persons, having notice, as is aforesaid, shall hereafter neglect him or themselves from his or their duty of watching, at the appoynted time and place, at Charles Towne, as aforesaid, such person or persons, for every such offence, shall forfeit and pay the summ of five Shillings Sterling, to be levyed by distress, for the publick use of this Collony; but in case the said person soe offending be not able to satisfye the said fine of five Shillings, then such person shall be severely punished. Or if any Master or Masters shall deny, hinder or neglect to send his servant or servants, when notice is left with him, as aforesaid, such Master or Masters, for every such offence, shall severally forfeit and pay the summ of five Shillings, for every servant soe neglected, to be levyed by distress for the publick use of this Collony. And that the said Marshall, for his labour and paines therein, shall have the sum of thirty Shillings, or the value thereof, per month, for soe long time as he shall be soe employed, to be paid by the inhabitants of this Collony proportionably.

[Nov. 1671.]—Upon the opening the matter of the petition of Anthony Churne against Mr. W^m. Owen before the Grand Council, It was then and there agreed and concluded on by the said parties, that all matters of difference between them, the said Anthony Churne and Mr. W^m. Owen, to this day, should be referred to Mr. Edward Mathews and Mr. Jno. Culpeper, Arbitrators indifferently chosen between them, to make a full determination thereof, soe as the same arbitration be made on or before the — of this instant, November; but in case the said Arbitrators cannot agree, then the said Arbitrators shall choose an Umpire between them, by whose award and judgment the said W^m. Owen and Anthony Churne will forever be concluded for, and concerning the matters in dispute.

Mr. Henry Hughes came this day, and made his complaint on the behalf of our Sovereign Lord the King, against Thomas Scelman, Gent., for, that the said Thomas Scelman, upon the of October, 1671, at Charles Towne, in this Province, did feloniously take and carry away from the said Henry Hughes, one Turkey Cock, of the price of tenn pence, of lawful English money, contrary to the peace of our Sovereign Lord the King, his Crowne. And the said Scelman being demanded by the Councell how he would be tried, referred and submitted himselfe to be tried by the Grand Councell only. Upon consideration whereof, and the evidences then and there brought in, and examined against the said Scelman,

It is adjudged by the Grand Councell aforesaid, that the said Scelman is guilty, in manner and forme, as is afore declared.

And it is therefore ordered by the said Grand Councill, that the said Scelman shall be stript naked to the waiste, and receive nine lashes, a whip for that use provided, upon his naked back, by the hand of Joseph Oldys, who is adjudged by the Grand Council, to be stript naked to his waist, to performe the same, for that the said Joseph Oldys, knowing of the felonous fact, after it was committed, aided the said Scelman, and endeavoured to conceal the offence. After which, that is to say, the said day of November, Capt. Leut. Robert Donne, being brought before the Grand Council, for comforting, aiding and assisting the said Scelman to commit the said fact, the said Capt. Leut. Donne, having freely submitted himselfe to be tryed by the Grand Council, Upon consideration of the evidences brought in and examined against the said Cap^t. Leut. Donne, it is adjudged that the said Cap^t. Leut. Donne is guilty, in manner and forme, as is afore declared against him. It is therefore ordered and ordayne by the said Grand Councill, that the said Capt. Leut. Donne shall appeare, upon the of December next ensuing, at the head of the Company, whereof he is Capt. Leut., with his sword on, and then shall have his sword taken from him by the Marshall, and be cashiered from having any further command in the said Company, and in the mean time to give security for his good behavior, and appearance at the place aforesaid, or else to remayne and be in the Marshall's custody.

Dennis Mahoon, Servant to Mr. Richard Coale, having been brought in before the Grand Council, and there charged for that, notwithstanding the said Mahoon, among others, having been formerly guilty of running away from his master's service, and departing out of this Collony, to attaine the protection of the Crowne of Spaine, in the Spanish habitations neare this place, intending thereby the destruction of this Settlement, and in consideration of his penitency and amendment of life, had his punishment due for the offence suspended, yett the said Dennis Mahoon, little regarding his allegiance to our Soveraigne Lord the King, and his fidelity and submission to the Lords Proprietors, still prosecuting his guilty intentions, about the tennth day of October last, endeavoured to persuade and entice some of his fellow servants, namely, John Rivers and John Cooke, to run away and depart this Collony.

And upon sufficient testimony, being by the Grand Council found guilty of the same, it is therefore ordered by the said Grand Council, that the said Dennis Mahoon shall forthwith be stript naked to his waiste, and receive thirty-nine lashes upon his naked back.

Capt. Thomas Gray, having this day made his complaint to the Grand Councill, against Sir Jn^o. Yeamans, Barr^t, for felling and carrying away severall quantityes from off a certaine parcell of land neare this Towne, belonging to him, the said Cap^t. Gray, It

is therefore ordered by the Grand Councill aforesaid, that an injunction be issued out under the Governor's hand, &c.

[Nov. 25th.]—Capt. Tho^r. Gray and Sir Jⁿ^o. Yeamans, Barr^t., having this day personally appeared before the Grand Council, in order to the trial of the difference between them, pursuant to their agreement in a former order of the Grand Council, dated the sixteenth instant, and forasmuch as the Quorum of the Grand Council are not present, &c.

Upon hearing of the matter of the petition of Richard Cole, Carpenter, against Joseph Dalton, Gentleman, It is ordered that Mr^r. William and Mr^r. Ralph Marshall shall examine all accounts between the said Richard Cole and Joseph Dalton, on Wednesday next, &c.

[Dec. 14, 1671.]—Sir Jn^r. Yeamans, Landgrave, came this day, and in the Grand Council declared that as he is the sole Landgrave in this Province, according to the fundamental Constitutions, and according to a letter from the Lords Proprietors to him directed, a Copy whereof he does produce, he conceives he is Vice Pallatine, and thereupon requires the Government and care of the affaires in this Province, Upon serious consideration had thereof, and of the Fundamental Constitutions, and the Temporary Laws agreed on by the Lords Proprietors, and here remaining and the true coherence between them, It is resolved and advised (nemine contra dicente,) that it is not safe or warrantable to remove the Government as it is at present untill a signal nomination from the Pallatine, or further orders or directions be received from the Lords Proprietors.

[Dec. 20th.]—It is ordered by the Grand Council, that Mr^r. Stephen Bull and Capt. Tho^r. Gray, doe assist Mr^r. Michael Smith, and others lately arrived from New Yorke, to find some convenient place to erect a Towne for their present settlement.

[Feb. 10th, 1672.]—Upon consideration this day of the scarcity of provisions now growing in this Collony, which will require a more frugall disposition of the provisions now remaining in the Lords Proprietors stores, and that noe person may obtain an unjust proportion thereof upon bare pretences, exhausting the same before any can be produced, or further supply be expected, It is therefore advised and ordered by the Grand Council, that noe person or persons upon any pretence whatsoever, shall have, or receive any provisions out of the said stores, till they have made oath before the Grand Council to the truth of their reall wants, and have given a satisfactory account of their care in planting, in order to their better obtayning of provisions this yeare. And that such person or persons soe receiving any provisions out of the said stores, shall not be allowed any more than five quarts of pease for every man a weeke, four quarts of pease for every woman a weeke, three quarts of pease for every child, or person under sixteen years of age, a weeke, which said quantity

or proportions shall be delivered weekly out of the said stores, to such persons in want as aforesaid, and not otherwise. And for the prevention of all further hazards of the want of provisions in this Countrey, whether for want of good improvements, sloath, or the following of any imaginary profit, other than planting of provisions, It is further advised, ordered, and ordayneed by the Grand Councill, that noe person or persons shall exercise or follow any worke, labour or employment, till the gathering in of the next crop, other than in planting of provisions, (except such as are especially tolerated by the Grand Councill, such as shall be employed in the office of a Carpenter or Smith, during the time of such employment,) and that noe person or persons whatsoever, (except before excepted,) shall have any future benefitt of the Lords Proprietors stores, who shall not have two acres of land at least, well and sufficiently planted with corne, pease, or both, for every person in his or her family, and the same to be well cultivated till the gathering in of this next crop, which said improvement shall be then and appeare before the Grand Councill. And if any person or persons (except before excepted,) during this crop doe, or shall loyter, or sloathfully spend his, her, or their time, or doe exercise, or follow any worke, labour or imployment, not hereby allowed, or not especially directed by the Grand Councill, such person or persons soe offending, upon notice thereof given, shall be disposed and committed to the care and charge of such industrious planter, as the Grand Councill shall judge convenient for the better raising of provisions, and their present maintenance as aforesaid.

[Feb. 17, 1672.]—Forasmuch as Thomas Hart, Yeoman, being an evill member in this Province, out of the evill of his heart, hath at divers times, and in sundry manners, causelessly slandered the Government of the said Province, and hath endeavoured to seduce and evilly to advise severall servants in the said Province, as hath been sufficiently proved upon oath, to the great disquiet of the peace of the said Province, and the prejudice of the masters of such servants. It is therefore considered by the Grand Councill, and it is this day ordered, that the said Thomas Hart shall receive thirty-nine lashes upon his naked back, and that the said Thomas Hart shall be, and be esteemed to be as common Executioner in this Province, during the space of a year and a day next ensuing, and that the said Thomas Hart, in the mean time, doe, and shall personally give his attendance at every sitting of the Grand Councill.

April, 1672, pursuant to the tenor of the said Proclamation under the Governor's hand issued, and made the said 19th day of April last, came the Freeman of this Province before the Goverour, and the Lords Proprietors Deputies, at Charles Towne, and having then made their election, presented to the Goverour and

the Lords Proprietors Deputies, the members of the Parliament hereafter mentioned, vizi. :

Mr. Stephen Bull,	Mr. Richard Conant,
Cap ^t . Flor. O. Sullivan,	Mr. Peter Herne,
Mr. John Culpeper,	Mr. Richard Chapman,
Mr. John Robinson,	Mr. John Yeamans,
Mr. Christo. Portman,	Mr. Timothy Biggs,
Mr. Ralph Marshall,	Mr. James Jones,
Mr. John Mauericke.	Mr. Edward Mathews,
Mr. John Pinckard,	Mr. Samuell West,
Cap ^t . Rob ^t . Donne,	Mr. Richard Cole,
Mr. Amos Jefford,	Mr. Henry Hughes.

And the said Parliament being soe chosen and presented, then and there out of themselves did elect five persons, namely: Mr. Ste. Bull, Mr. Christo. Portman, Mr. Richard Conant, Mr. Ralph Marshall and Mr. John Robinson, and them presented to the Lords Proprietors Deputies to be members of the Grand Councill, according to the Lords Proprietors directions on that behalfe.

[June 8th, 1672.]—Mr. Thomas Norris, Anthony Churne, and Samuell Lucas came this day before the Grand Councill, and made oath that they were privie to the contract between Richard Deyos and Christopher Edwards, his servant, and that the said Christopher Edwards was to serve the said Richard Deyos the term of two yeares in this Province, to commence from the time of his arrival there, and ended the 17th day of March last past.

The said Christopher Edwards is thereupon reputed a Freeman, and has liberty granted him to take warrants for the land due him in the Province aforesaid.

[June 18th, 1672.]—The Grand Councill takeing into their serious consideration how the inhabitants of this Province may be reduced into the best posture for the defence of the same, and whereby they may most easilie maintaine their safety from any suddaine or unexpected invasion, have resolved, and it is ordered by the Grand Councill aforesaid, That two great Gunns be mounted at New Towne for the better defence thereof; which said two Gunns and twelve pounds of powder be delivered to Mr. Richard Conant, he giving a receipt to Coll. West for the same. That all and every the inhabitants of this Province doe forthwith well and sufficiently fix up their armes, and make them fitt and ready for service; but if it shall happen that any armes be soe defective as they cannot be compleatly fixed without the helpe of the Gunn Smith, then such person, whose armes they are, doe forthwith repaire to the Gunnsmith at Charles Towne, and allow him such reasonable assistance as he shall absolutely stand in need of for the fixing of such defective armes, whether it be with fire Cole or otherwise; which said Gunnsmith being soe assisted, as aforesaid, and having payment tendered, is hereby required

immediately to sett about the same, and that he doe interpose no other worke till such armes be compleatly fixed and finished.

And forasmuch as experience hath rendered the use of Bandeliers to be as well unsafe for keeping of ammunition, as altogether inconvenient upon any march in this Country, and more slack upon any occasion of service, It is also ordered by the Grand Councill that every person in this Province above the age of sixteen years, under sixty, doe forthwith furnish himselfe with one Catous Box, conteyning twelve Cartiarages at least, before the last day of July next, whereof all masters of families are to take care to furnish his servants with Catous Boxes, or allow them sufficient time to make them, and if it shall happen that any Master of a family shall faile therein, such Master shall forfeit and pay the sume of two shillings and six pence for every Catous Box that shall be wanting in his family through his neglect, after the last day of July aforesaid ; but if the neglect shall happen to be found in any servant, such servant soe fayling shall lye by the neck and heels at the head of the Company wherein he is lysted.

That if any person or persons, at any time or times hereafter, receive any intelligence from the relation of any Indian, of the approach of an enemy towards this place, such person or persons to whom such relation is given doe immediately bring the said Indian to any one of the Grand Councill who is nere, who upon such examination, if he finds any probability of truth which may necessarily require an alarum, is forthwith to dispatch the said Indian or Indians to the Governor with his apprehensions of the matter, and in the mean time give speedy notice thereof to the Master of the Ordinance, that a public alarum may be given by firing two of the greatest gunns at Charles Towne. Upon which Alarum all and every the Inhabitants now in this Province, and who are able to beare arms, doe dispose themselves in the manner following :

The severall families of Mr. Maurice Mathews, Mr. Stephen Bull, Mr. Nicholas Carterett, and Mr. Henry Brayne, residing in Ickeryb Plantation, being about seven men, Mr. John Gardner, one, George Carty, two, Mr. Amos Jefford, five, Mr. Tho^o. Ingram, one, Capt. Florence O. Sullivan, two, Capt. George Thompson, two, be they more or less, doe upon every such alarum repaire to the said Amos Jefford's upper plantation, to the westward of the said Tho^o. Ingram, and remaine under the command of Mr. Maurice Mathews and Capt. Florence O. Sullivan, his assistant, in order to the defence of that passage, and further be directed according to such rules and instructions as from time to time shall be transmitted from the Grand Councill to the said Maurice Mathews during that service. And the severall families of Capt. John Godfrey, about twelve, Mr. Edward Mathews, foure, Coll. Joseph West, five, Mr. Clutterbuck, one, Mr. Hughes, one, to repaire to the plantation now in the possession of the said Capt.

John Godfrey, and there remaine under the command of the said Capt. Godfrey and Mr. Henry Hughes, his Lieutenant, the better to maintaine the leading path there, according to such orders and instructions as they shall from time to time receive from the Grand Councill on that behalfe.

And that all other the inhabitants of the Collony of Charles Towne (except the negroes in the Governor's plantation, who are there left to defend the same, being an outward place,) repaire to Charles Towne with their armes and ammunition well fitted, as aforesaid, there to receive such orders as by the Grand Councill shall be thought most convenient.

And that all the inhabitants on the other part of the River, called the Oyster Poynt, doe repaire to the plantation there, now in the possession of Hugh Carterett, Cooper, and being soe embodyed, doe march forward to the plantation now in the possession of Mr. Thomas Norris or Mr. William Morrill, which may be thought most safe and useful for that designe, under the command of Mr. Robert Donne, there to remayne and exercise such orders and rules as the Grand Councill shall thinke fitt to be prosecuted for the better safety of that part of this Settlement.

And that all the inhabitants in and about New Towne, doe repaire to New Towne aforesaid, and there remaine under the command of Mr. Richard Conant, according to such rules and instructions as the said Richard Conant allready hath, and from time to time shall receive from the Grand Councill for the better preservation of the safety of the said Towne.

And that upon the appearance of any Topsayle Vessell one Great Gunn be fired at Charles Towne, upon which all the Free-men within the Collony of Charles Towne aforesaid, are forthwith to appeare in armes in the said Towne, and that noe person or persons whatsoever (except the Pilott) doe adventure or presume to goe aboard any vessell or Vessells which shall hereafter come into this harbour (without the Governor's special lycence) before the Master of such vessell or ship hath been with the Governor.

And as all and every the aforementioned particulars are necessarily conducive to the good government, and the safe management of the affaires of this Province, and the secure settlement thereof, without which all ingenious industry is but vaine, and because repentance is too late when miscarriages happen in these cases, The Grand Councill have therefore thought fitt to make this declaration. And all and every person and persons in this province, are hereby strictly required and injoyned to take notice of and observe all and singular the premises, and every part thereof, as they would not be questioned as offenders against that sweet peace and tranquility soe much desired, and earnestly laboured for in the said Province.

[June 29th, 1672.]—William Barry being this day brought

before the Grand Council, for stealing of Indian Corne from off the plantation of Mr. William Owen, and upon his examination, having confessed the same, it is ordered that the said William Barry be forthwith tyed to the usual tree, and there be stripped naked from the waiste upwards, and there receive eleaven lashes upon his naked back, well layd on.

[July 2d, 1672.]—In order to the better defence of this Province, it is resolved that a party of thirty men be dispatched to the Southward against the Westoes, who are said to lurke there with an intent to march secretly to this place.

[July 9th, 1672.]—Upon consideration this day had of the better reducing the present inhabitants of this Province into such military orders, as may be most apt and fitt for the service and defence of the same, it is ordered by the Grand Council, that the said Inhabitants be forthwith disposed into six Companies, besides the Governour's life guard.

And forasmuch as there will be a great want of sufficient Officers to Keep the said Companies in good order & discipline, unless some of the members of the Grand Council be particularly imployed therein, wherefore that nothing may be wanting that may be available to the safety of the Settlement, it is advised that Commissions be forthwith made and directed to Lieut. Coll. John Godfrey, Serjeant Major Thomas Gray, Capt. Maurice Mathews, Capt. John Robinson, Capt. Richard Conant, Capt. Florence O. Sullivan, and Capt. R. Donne, and such other inferiour Officers as the said named Officers shall approve on, to take the charge of the said severall Companies, and that the said Companies may be soe lysted as may be most helpful for them speedily to repaire to their Colours upon any alarum or other occasion.

Bill of Lading.

"Shipped by the Grace of God in Good Order & well conditioned by me Richd^d. Kingdon, for the prop. acc^t. of the Lords Prop^r. of Carolina, in & upon the good ship called the William & Ralph, whereof is master under God for that present voyage William Jeffereys, & now riding at anchor in the River of Thames, & by God's grace bound for Charles Towne in Ashley River, to say, forty two puncheons of pease, thirty one barr^t. and a half of flower, one Hogg^d. & barrel of fish lines and colours, one barrel of rice, two barr. box & bundle of Iron ware, one box of boks, two barrels of powder, & twelve Gun carriages, & three butts g^t., six drums, and one barrel of flower more, being marked & numbered as in the margent, and are to be delivered in the like good order & well condition at the aforesaid Port of Charles Towne, (the dangers of the seas only excepted) unto Mr. Jos. West of Charles Towne or his assigns, freight for the said goods being paid allready

in London with Primage & average accustomed. In witness whereof the master or Purser of the s^t. ship, hath firmed to three bills of lading all of this Tenor & Date, the one of which three bills being accomplished, the other two to stand void. And soe God send the good ship to her desired Port in safety. Amen.

Dated in London the 13th Jan. 1671. [½] The contents & qualities I know not.

W^m. JEFFERIES.

Indorsed.

Charles Towne, April 23d, 1672.

Rec^d. then of Capt. William Jefferies, Comand^r. of the good ship William & Ralph, all the particulars within mentioned. I say Rec^d.

JOSEPH WEST.

[Jany. 13, 1671-2.]—An accompt of severall things decided y^t were in Partner Shipp Betwixt *Mr. John Foster* and *Capt. Thomas Gray*.

M ^r . John Foster.	Capt. Thomas Gray.
Imp ^r . Land & House y ^e North Side paying 25 lb. starl.	Imp ^r . Land lying y ^e South Side.
Item. 4 Servts.	Item. 4 Serv ^{ts} .
Thomas Witty,	Pichard Poore,
W ^m . Davise,	Richard Barginer,
Jn ^r . Ratlife,	Edw. Howell,
James Powell.	Joane Burnett.
Skins.	Skins.
Two Tand deare skins,	Three Tand deare skins,
6 ditto w th . hayre on,	3 Bare skins,
2 Bare skins.	4 Deare skins w th . hayre on.
Ittem. Linnen	Ittem. Linnen.
12½ y ^{ds} . osandbriggs,	12½ y ^{ds} . osandbriggs,
6½ y ^{ds} . blew Linnen.	6½ y ^{ds} . blew Linnen.
Ittem. Iron Wayre.	Ittem. Iron Wayre.
6 New Hows,	6 New Hows,
1 Iron Square,	1 Iron Square,
1 Hand Saw,	1 Hand Saw,
4 New fallin axes,	5 New axes,
1 Cooper Adge,	4 Chissells,
3 Chissells,	One Hammer,
2 Hammers,	Two Augers,
2 Augers,	One Adge,
One adge,	One Iron Candlesticke,
One Iron Candlesticke,	One Howell,
One Whipp Saw,	Two Iron Wedges,
One Cross cut ditto,	2 Whipp Saws,

2 Hows helvd,	2 Beetle Rings,
1 Pitchin axe,	1 Spaid,
1 Showell,	1 Pitchin Axe,
1 Fill,	1 How helved,
2 Iron Wedges,	1 Fro,
2 Beetle Rings,	2 Iron Potts, W ^m . Gray payeth the halfe of one,
1 Iron Fro,	1 Fryin Pann,
1 Fryin Pann,	2 Small skilletts,
1 Brass Skillett,	One Iron Square,
One Iron Sledge,	One broad axe,
1 Broad axe,	One Coopers ditto,
1 Lattin Hammer,	One Fallin ditto,
1 Fallin axe.	One Auger.
Item. Prouvission.	
2 Bar ^{lls} . Beefe,	2 Barr ^{lls} . of beefe,
1½ pint Oyle,	1½ pt. Sweet Oyle,
2 psis of porke,	2 psis of porke,
1 third of Bar ^{ll} . of Casado Bis-	1 third of Bar ^{ll} . of Casado Bis-
kett,	kett,
4 Bushells of peese,	10¾ Galls. Molases,
10¾ Galls. Molases,	3 Bar ^{ll} . & 1 hhd. of Corne.
3 Bar ^{lls} . & 1 hhd. of Corne.	
Ittem. Living Stoke.	
6 Henns, 2 Cokes,	2 Hogs,
3 Hogs,	6 Henns, 2 Cokes,
6 Duks, 1 Drayk, 1 Turkey Hen,	5 Dukes, 1 Drayk,
1 Dunghill Fowle.	1 Turkey Coke, 2 ditto Henns,
Six Firelocks, 4 p ^s Bandolears.	One Sheepe,
	Six Firelocks, 4 p ^s . Bandolears.
Retornd.	
One Boxe Medicim ^{ts} .	
Thirty powndes of powder, 88 lb. bullitts & shott.	
½ doz. of Ivory & one doz. of other Combs,	
1 doz. Sizers, one Fussee, one boxe of Medicins,	
100 of nedles, yams,	

Timothy Biggs came this XXIst day of March, 1671–2, and made oath that the within written is a true Copy of the Dewision of Goods, between Mr. John Foster & Capt. Thomas Gray, pursuant to a former award before me,

JOSEPH WEST.

This is a true Copy of y^e Originall, Exam^t. this XXIst March, 1671–2.

JOS. DALTON,
Secy.

Entered this 21st March, 1671–2.

[The above exhibits a specimen of goods in a store in Charles-town in the beginning of our colony. Perhaps the 1st. case of dissolution of a copartnership & division of stock in trade.

Know all men by these presents, that I, C^{o_l}. William Sayle, Governor of that part of the Province of Carolina, Southward and Westward from Cape Carterett, otherwise called Cape Romaneo, for and on behalfe of the Lords Proprietors of the said Province of Carolina, having made my last Will and Testament in Bermuda, bearing date in the Month of February last past, which said Will I doe by this present codicil, ratify and confirm. Now being weak in body, but (blessed be God) in perfect mind and memory (for the full disposal of all my goods and chattels, Lands and tenements undisposed of in the said Will,) I doe hereby give, devise and bequeathe, all that my Mansion House and Town Lot, in Albemarle Point, in the said Province of Carolina, to my Eldest Son, Nathaniel Sayle, and the Heirs of his body lawfully begotton, and to be begotten forever.

Itm. I doe give, devise, and bequeath all my other Lands and tenements, goods and chattels, which shall be in my possession at the time of my death in the said Province, and all the lands, perquisites or advantages due to me in the said Province of Carolina, or any part thereof, by virtue of the Concessions of the said Lords Proprietors, or otherwise to my two sonns, Nathaniel Sayle and James Sayle, and the heirs of their bodies lawfully begotton and to be begotten forever. And my Will and pleasure is, that this Codicil or Schedule be, and be adjudged and taken to be a part of my last Will and testament aforesaid, and to be of equal force with the same. And I heartily desire and request mine Executors, and the overseers of the execution of my last will, and that they doe cause all things in this Schedule or Codicill contained to be faithfully performed according to my pure meaning, as if the same were so declared in my said last will and testament. In witness whereof, I have hereunto sett my hand and seale, this thirtieth day of September, Anno Domini, 1670.

WILLIAM SAYLE, [X.]

Signed, sealed & published in }
the presence of }
PAUL SMITH,
JOS. DALTON, Secrett.

M^d. That the within Codicill or Schedule, with all the articles & clauses therein specified, was signed, sealed & published by the said Co^l. William Sayle, late Governor of that part of the Province of Carolina, Southward & Westward from Cape Carterett, as his true and lawful act and deed, upon the request of the within

named Nathaniel Sayle, was upon oath proved by the within mentioned Paul Smith, and Joseph Dalton, before me, C^o. Joseph West, Governor of this part of the Province of Carolina aforesaid, this tennth day of April, 1671.

Jos. WEST,

This is a true copy of the original. Exam^d. this 28th Nov^r., 1672.

Jo^r. DALTON,
Secretary.

The History of New England from 1630 to 1649, by John Winthrop, Esq., first Gov^r. of the Colony of Mass. Bay.

Vol. 2^d, p. 335.—For the place they should remove to, if necessitated. Mr. Hayson acquainted us with a place allowed & propounded to them, and the occasion of it, which was thus: Captain W^m. Sayle, of Summers Islands, having been lately in England, had procured an ordinance of parliament for planting the Bahamas Islands (now called Eleutheria,) in the mouth of the gulf of Florida, & wanting means to carry it on, had obtained of divers parliament men & others in London to undertake the work, w^{ch}. they did, & drew up a covenant & articles for all to enter into, who would come into the business. The *first article was for liberty of conscience*, wherein they provided, that the civil magistrate should not have cognizance of any matter w^{ch}. concerned religion, but every man might enjoy his own opinion or religion, without controul or question (nor was there any word of maintaining or professing any religion or worship of God at all,) & the commission (by authority of the ordinance of parliament,) to Captain Sayle to be Governor three years was with limitation; that they should be subject to such orders & directions as from time to time they should receive from the company in England, &c. Upon these terms they furnished him with a ship & all provisions & necessities for the design, and some few persons embarked with him, & sailed to the Summers Islands, where they took in Mr. Patrick Copeland, elder of that church, a godly man of near eighty years of age, & so many other of the church there, as they were in the ship in all seventy persons.

But on the way to Eleutheria, one Captain Butler, a young man who came in the ship from England, made use of his liberty to disturb all the company. He could not endure any ordinances or worship, &c., & when they arrived at one of the Eleutheria Islands, and were intended to there settle, he made such a faction, as enforced Captain Sayle to remove to another island, & being near the harbour, the ship struck & was cast away. The persons were all saved save one, but all their provisions & goods were

lost, so as they were forced (for divers months,) to lie in the open air, & to feed upon such frnits & wild creatures as the island afforded. But finding their strength to decay, & no hope of any relief, Captain Sayle took a shallop & eight men, & with such provisions as they could get, & set sail, hoping to attain either the Summers Islands, or Virginia, or New England; and so it pleased the Lord to favor them, that in nine days they arrived in Virginia, their provisions all spent, &c. Those of the church relieved them, & furnished them with a bark & provisions to return to relieve their company left in Eleutheria. Captain Sayle, finding the church in this state, persuaded them to remove to Eleutheria, w^{ch}. they began to listen unto, but after they had seen a copy of his commission & articles, &c., (though he undertook to them, that the company in England would alter anything they should desire, yet) they paused upon it (for the church were very orthodox & zealous for the truth,) & would not resolve before they had received advice from us. Whereupon letters were returned to them, dissuading them from joining with that people under those terms."

S. P. O. NORTH CAROL., B. T., VOL. 2, p. 98.

Instructions to M. Andrew Percivall.

23 May, 1674.

1. Yo^u are to grant Land to none that comes to settle under yo^r Goverment, but upon condition they settle in Townships, and take up Land according to y^e draught herewth. deliverd yo^u, vizt., To each house built in y^e said Towne, & forme fifty acres home lott, as in y^e draught, viz., five acres for a house & garden, ten acres in y^e Comon Cow pasture, and thirty-five in a pece beyound y^e Comon. And an out lott containing 300 more in one pece in y^e same Collony, whenever they will take it up.

Provided it be wthin sixteen yeares after their respective Grants of their home lotts. The home lott shall alwayes inseperably belong to y^e house in y^e Towne, w^{ch}., whenever it is not inhabited & kept up, the s^d. house and home lott belonging to it, shall devolve into y^e hands of y^e Lords Prop^{rt}. to be by them disposed of to any other person.

The home lott shall pay noe rent till y^e yeare 1690. The fee alsoe of y^e Towne plott shall belong in equall proportions to y^e s^d. houses, to be leased out or lett as y^e respective owners shall thinke fitt. But y^e Towne to be built in y^e s^d. Towne plott shall be laid out & built according to such a modell as y^e s^d. L^{ds}. Prop^{rt}. shall direct.

2. Yo^u are to take care that store of Provizzions are planted.

3. Yo^u are to keep faire Correspondence wth. y^e Neighbour Indians to y^e utmost of yo^r. power.

4. Yo^u are to deliver to Mr. Joseph West all y^e Goods now sent in y^e Edistoh Deger, & consigned to y^u. for y^e use & supply of o^r. people at Ashley & Cooper River.

SHAFTESBURY,
CRAVEN,
G. CARTERET.

Whitehall, 23^a May, 1674.

S. P. O. N^o. CAROLINA. B. T., VOL 2, p. 97.

Instruc^cons to o^r. Govern^r. & Councill of our Planta^con, at Ashley River in Carolina.

23 May, 1674.

1. You are upon all occasions to afford all Countenance, help & assistance to o^r. planta^con in Loch Island.

2. You are to affix y^e publique seale to all such Grants as Mr. Andrew Percivall, Govern^r. of that planta^con shall send to you, signed by his hand, with advice from him, specifying y^e Grants he desires to have sealed.

CRAVEN,
SHAFTESBURY,
G. CARTERET.

Whitehall, 23^a May, 1674.

MEM. Mr. Andrew Percivall had a Copy of y^e Fundamentall Constitutions signed and sealed with him.

[His Commission begins

John, Lord Berkley, Pallatine of Carolina, and the rest of the Lo^m. Prop^r. of Carolina.

To o^r. truely & well-beloved Andrew Percivall, Govern^r. of the plantation to be settled on both sides Edisto or Ashipow River.

Bee it knowne, &c., &c., &c.]

S. P. O. N^o. CAROLINA, B. T., VOL 2, p. 120.

Order concerning the Trade with the Westoes and Cussatoes Indians.

10 April, 1677.

Wheras y^e discovery of y^e Country of y^e Westoes & y^e Cussatoes, two powerfull & warlike nations, hath bine made at y^e charge of y^e Earle of Shaftesbury, one of our number, & by the Industry

& hazard of Dr. Henry Woodward, and a strict peace & amity made Betweene those said Nations and our people in c^r. province of Carolina, w^{ch}. will conduce very much to y^e peace & settlem^t. of or. said people there, & y^r incouraginge of others to come and plant there when those fierce & warlike nations are not onely at peace wth. us, but are become a esafegard unto us from y^e injuries of y^e Spaniards and other Indians. Wee therefore have thought fitt for y^e preservacion of y^e s^t. peace soe necessary to us, and consideringe that if a Genⁿ. Trade & Commerce should bee allowed to those Nations wth. or. people inhabittinge there before or. strenths & numbers are increased, that y^e weakness of or. streanthe may be discovered to them, and severall injuries, provocations, frauds & quarrells may arrise & happen, by wth. meanes this soe necessary a peace may be interrupted. Wee doe therefore think fitt, and doe hereby strictly charge, require & comand that noe person of what quallity soever, being und^r. or. Govermt^t, there doe presume to have any commerce, trade & traffick, or correspondency wth. any of y^e Westoes, Cussatoes, Spaniards, or other Indians that live beyond Porte Royall, or at y^r same distance from or. present Settlem^t. that y^e Westoes & Cussatoes doe now inhabitt, wthout such persone have thereunto license und^r. y^e hand & seale of y^e Earle of Shaftsbury and some one more of us, y^e L^d. Proprietors, and this, or. ord^r. is to continue during the space of 7 yeares onely; after w^{ch}. tyme (if it shall please God) that y^e streanthe of or. settlement may bee considerably increased, wee resolve not to continue or. restraintes upon the trade wth. those Indians. But in y^e meane while there is noe man hath reason to complaine that wee haveinge left them free and open, all y^e trade northward upon y^e sea coast as far as Alp, & Southward as far as Porte Royall, and any other way not less than 100 miles from there planta^{con}, w^{ch}. is all they can pretend or expect from us, it beinge in justice & reason fitt that wee should not bee interrupted by y^m in or. treatyes & transactions wth. those Nations that inhabitt those disttant Countreyes, wth. whome by or. grant & Charter from his Mat^te., Wee onely have authority to treat or intermeddle, and wee are carefull, as y^u. may perceive, to give y^u. open & free liberty to trade wth. those nations y^r. lye neere, or wthin any convenient disstance of y^u., and wth. whome, wthout any hazard or dang^r. to y^e publicke safty, y^u. may intermix & maintaine a Commerce; haveinge therefore laid downe soe plainly to y^u. y^e reasons & right of or. proceedings in this matter, wee doe expect an exact & punctuall compliance wth. or. ord^r. & comand, or yo^u may bee assured wee shall cause such as shall presume to breake y^m severely to be prosecuted and punished.

Given und^r. or. hands & seals this 10th day of April, 1677.

ALBEMARLE,
CRAVEN,
SHAFTSBURY,
CLARENDON

To y^e Gov^r. & Councell, & other Inhabitants of our Province
of Carolina.

Memorandum.—Though Sr. Peter Colleton's hand & seale be
not to this, Hee ordered his Brother James Colleton to declare
his consent to itt there.

S. P. O. No. CAROLINA. B. T., VOL. 2, p. 124.

*The Articles and Agreem^t. of y^e L^ds. Propriet^r. of Carolina,
Betweene themselves, concerninge the trade there.*

10 April, 1677.

Wheras wee have thought it nessessary for y^e safty and good of
those people that are planted undr. or. Government in Carolina
upon Ashley & Cooper Rivers, or therabouts to take into or.
hands dureinge y^e space of 7 years the whole trade & commerce
wth. y^e Westoes, Cussatoes, & other Nations that live at a greate
distance from y^e sd. Rivers, and wheras it is absolutly nessessary
that trade be carried on wth. those nations, that soe they may be
supplyd wth. comiodities accordinge to agreem^t. made wth. y^m., By
wth. meanes a firme and lastinge peace shall bee continued, and
wee become usefull & nessessary to them, it is therfore mutually
articled, covenanted & agreed betwixt us, y^e L^ds. Prop^r. of Caro-
lina, whose names & seals are hereunto sett and subscribed at or
before y^e 24th day of June next, wee shall each of us pay into y^e
hands of Mr. W^m. Saxby, or. Secretary and Treasurer, one hundred
pounds of good & lawfull money of England, and if any of us shall
fayle in payinge in his said money as aforsaid, then & in such
case it is hereby covenanted & agreed, that y^e bennifitt of y^e s^d.
trayde shall wholy come & acrew (dureinge the tyme aboves^d.)
unto such of us, the s^d. L^ds. Prop^r. as shall have paid in there
money afors^d. And it is further agreed betweene us, y^e L^ds.
Prop^r., that y^e agreements already made by y^e Earle of Shaft-
sbury wth. Dr. Henry Woodward, wherby hee is to have one 5th.
part of y^e cleare proffitt of y^e said Trade, shall stand firme & good.
In wittness whereof wee have hereunto put or. hands & scales, the
10th day of April, 1677.

ALBEMARLE,
CRAVEN,
CLARENDON,
SHAFTSBURY,
P. COLLETON.

S. P. O. NORTH CAROLINA. B. T., VOL. 2, p. 129.

*Statement of Accounts between the Lords Proprietors & Col.
Jos. West.*

1669-1677.

Coll. Joseph West. Dr.

	£	s.	d.
To Money paid him in partes,	100
To his Debts standinge out for goods by him } taken out of y ^e L ^{ds} . Stores pr. his own acct. } to 27 th Jan ^r , 1673,	17	12	9
To ditto as pr. his owne acct, to y ^e 30 th Nov ^r , } 1674,	26	17	8
	£144	10	5

Pr. Contra. Cr.

	£.	s.	d.
By his Sallery from Aug., 1669, to Aug., 1674, } is 5 yeares att £60,	300
By ditto fro ^m Aug., 1674, to March, 1677, is } 2 yeares & 7 months at £100,	260
	560
Rest,	144	10	5
	£415	9	7

Towards satisfaction of which hee hath in his hands or. Plantation vallue at least £100, besides what goods, except ammunition and armes, are remaininge in or. Storehouse, and y^e severall debts oweinge us by soe many people there, wth. wee willingly remitt upon there payinge him of y^e remaindr. of what is due to him.

S. P. O. JOURNAL, B. T., VOL. 3, p. 15.

At the Committee of Trade & Plantations in the Council Chamber, at Whitehall, Tuesday the 20th of May, 1679.

Present.

Earl of Sunderland,	Viscount Fauconberg,
Earl of Essex,	Viscount Halifax,
M ^r . Secretary Coventry.	

Upon reading the Petition of Rhenè Petit, which had formerly been examined at the Committee, concerning the transport of Protestant Families to Carolina, together with a Report of the Commissioners of the Customs thereupon ; their Lordships agree to report, that His Ma^{tr}. doe give order for the preparing & fitting out of two such ships (neither of which may draw above 12 foot water) as may bee fit to transport the said Families, as soon as the Undertakers shall give in a List of their names, with sufficient assurance that they will come & imbarque themselves on board thereof for this voyage, provided they doe likewise take in victuals and provisions for themselves, without putting His Ma^{tr}. to farther charge than to maintain the Ship's Comp^r. & such as shall be under His Ma^{tr}. pay. And provided, alsoe, that the said Families bee such as shall come from beyond the Seas, or are arrived here on purpose for this designe, & bee many of them skilfull & practiced in the manufacture of Wines, Silkes & Oyles. And that His Ma^{tr}. may not bee defrauded of his Customs, upon pretence of re-imburſing the moneys expended by them, & for preventing any abuse w^{ch}. may happen by bringing Tobaccoes to Carolina from Virginia, their Lordships will further report, that the said Families may be all obliged to settle more Southerly than the 34th Degree of Northern Latitude, & that the re-imbursement desired by them may be made out of the Customs arising from Commodities brought out of such Plantations in Carolina as lye within that latitude, to commence from the time the said Families shall arrive, upon a certificate of such arrival from the Collector & Surveyor of the Customs, or in his absence, from the Governor & Council there.

MEM. 29th Oct. 1679.—The Petition of Renè Petit for transporting several Foreign Families to Carolina, on board the Richmond, was read in Council & granted.

S. P. O. JOURNAL, B. T., VOL. 6, p. 217.

At the Committee of Trade & Plantations in the Council Chamber, at Whitehall, Munday the 16th of May, 1689.

In the Morning.

Present.

Lord Privy Seale, Earl of Shrewsbury,
Lord Viscount Lumley.

Their Lordships do also enter upon the consideration of the present condition of the Provinces of Maryland, Pennsylvania and Carolina, &c., which having been formerly granted to several persons in absolute Proprietary, by which Title they claime a right of Government, their Lordships agree to report to His Maj^y. their opinion, that the present circumstances and relation they stand in to the Government of England, is a matter worthy of the consideration of the Parliament for the bringing those Proprietaries & Dominions under a nearer Dependance on the Crown.

S. P. O. NORTH CAROLINA. B. T., VOL. 2, p. 147.

*Lords Proprietors to Govr. & Council of Ashley River.
17 May, 1680.*

Whitehall, May 17, 1680.

We here inclosed send you the copy of our last, least the Original sent by the Richmond Frigate should be miscarry'd.

We againe desire you to take note that the Oyster poynit is the place that we do appoint for the Port Towne, w^{ch}. you are to call Charles Towne, and to take care that all ships that come into Ashley or Cooper Rivers doe there loade & unloade. Each of the Lords Proprietors is to have 5 Acres reserved within the said Towne, for the Towne lot w^{ch}. you are to cause to be run out to such as shall send to demand it in such places as their Agents shall require. And you are to leave as much land in one piece in other convenient places for each of the Lords that do not send to demand it, taking still care of the regularity & streightness of the streets as we directed in o^r. last. And whereas the taking up of towne lots by persons who do not in a short time build thereon, may be a means of hindering others that w^d. presently build whereby the erecting of a Towne w^d. be much delayed, You are therefore to pass every man's grant under the degree of a Proprietor with a proviso, that the foundation of his house shall be laid in less than one year, and a house erected before the erection

of 2 years, otherwise it shall be lawfull for any other to take said land & build thereon. And if any person having also erected one house on his Towne lot & desiring to build more houses, We are contented he shall have more lots provided he will erect a house of at least 30 foot long & 16 foot broad & two stories high besides garrets, on each lot within twelve months after his taking up said lot.

Mr. Beresford having given us assurance that he will in three years time have above 40 able persons upon his Plantation, We have thought fit to grant him a Mannor of 3000 Acres of land of which you are to take note, & pass a Grant to him for that quantity of land when he shall desire it. We being informed that there are many Whales upon the Coast of Carolina, which fish being by our Fundamental Constitutions reserved to us, We have notwithstanding (for the encouragement of Carolina) thought fit to give all persons whatsoever that are Inhabitants of our Province, free leave for the space of seven years, to commence from Michælmas next, to take what Whales they can & convert them to their own use, & this our condescension you are to make public, that any that will may take the benefit of it.

That there may be a more than ordinary care taken to do justice to the Indians, We have thought fit to appoint by our Commission a particular Indicature for that purpose, which you are to cause to be published & yield due obedience to it.

We have also thought fit to grant 3000 Acres of Land to Mr. Christopher Smith upon the same terms we have granted them to Mr. Beresford, but note that if the person to whom we have granted the said proportion of 3000 Acres, do not within the time limited bring on the hands they have promised, then you are at liberty to grant to other persons so much of the said land, taking it proportionably fronting to the River as after the rate of 70 Acres per person, they shall have failed to bring on of the number promised.

Given under our hands the day abovesaid.

ALBERMARLE,
CRAVEN,
SHAFTESBURY,
BERKELEY,
J. COLLETON.

To,

The Governor & Council of Ashley River in Carolina.

Whitehall, the 10th of May, 1682.

Wee having been prevailed upon at the request of severall eminent worthy Persons who have a mind to become settlers in our Province of Carolina, to make review of our fundamentall Constitutions, & to make therein some additions & alterations, wee have now sent them to you signed & sealed anew, & as they are to be for the future, & these additions & alterations being for the greater Liberty, security & Quiet of the people, wee doe not doubt but you will acquiesce in them, which is the reason that wee have done it without proposeing of it first unto you. The additions & alterations we have made are as followeth :

In the first place, our fundamentall Constitutions, bearing date the first of March, 1669, hath appointed y^e. y^e eldest man of the then Lords Proprietors shall be Palatine, & soe on untill they are all deceased, & the next eldest, & soe on, shall have their choyce of the severall great offices, but since that time some of the then Lords Proprietors having sold their Proprietorships, & in our Constitutions of the first of March, 1669, there being no Provision made who those who by succession or bying are or shall become Proprietors shall succeed to be Palatine, or have their choyce of the other great offices, nor how y^e inconveniencies shall be avoided that may possibly happen to the Inhabitants of your Province, by leaveing those Proprietors that have bought out others, & are younger than others that have bought or succeeded to be proprietors in a capacity (out of avarice or perverseness) to make leases or fraudulent conveyances of their Proprietorships to men elder than the other Proprietors that have bought or are succeeded to be Proprietors, thereby to defraud them of the proffitts of y^e Palatin's Place or the government, by which means Little men & of unjust Principalls may get into y^e Governm^t., & the administration of the offices of greatest trust, w^h. can neither be for y^e ease nor safety of the Inhabitants of our Province, of which we have a most tender regard—to obviate those inconveniences have thought fitt by our Constitutions to apoint that he that hath been longest a proprietor of those that have bought or succeed, shall after the death of those who were Proprietors in 1669, succeed to be Palatine, & have the choice of the other seaven great offices, untill after the yeare 1700, when the Power of disposing of Proprietorships ends, & takes away the forementioned inconvenience.

The next alteration is, that whereas in the fformer constitutions the assistants of the Colledges were chesen into the Grand Coun-cill by the Grand Council, by these constitutions he that hath been longest an assistant of any of the Colledges, & of the same degree & choice of him who is dead or removed, shall succeed to be of the Grand Council, w^h. wee judge to be more equall & lesse dependent than y^e former way.

The next is, whereas by the former Constitutions nothing was

to be proposed in the Parliament that had not first passed the Grand Council, w^h. is the Senate of Carolina, & yett a negative reserved in the Palatine's Court upon all votes & orders of the Grand Council, wee have in these our constitutions, left the Senate or Grand Council at liberty to propose to the Parliament all such things as they shall, upon mature consideration, thinke fitting for the good of the people.

And whereas it is not impossible that even the Grand Council or Senate of Carolina, that we have taken such care to have equally constituted for the good & quiet of the inhabitants of Carolina, may become corrupt & forgett their duty, & not take sufficient care to remedy inconveniences by proposing fitting Laws to be passed by the Parliament, wee have thought fitt to appoint that if the major part of the grand Juryes of the Countyes shall present a thing necessary to be passed into a law, & that if the Grand Council do not in convenient time propose it to the Parli^mt, that then it shall be lawfull for any of the chambers to take cognizance of it, & propose it to y^e house.

The next considerable alteration is, that whereas by the former constitutions all men whatsoeuer possessing Land in Carolina were obliged to pay a rent to y^e Lords Proprietors after the yeare 1689, to comply with the desires of severall eminent wealthy men, who have an intention to become settlers in Carolina, & others that are already settled that have no mind to be Incombered with rent, wee have in these constitutions left a Liberty to the Lords Proprietors, to remitt it by an agreement under their hands & seals, all which alterations & additions being for the good & ease of the Inhabitants of our Province, wee doe not doubt but you will take kindly from us, nor doe wee pretend at any time hereafter to have power to alter any thing in our fundamentall Constitutions that restrains the liberty of the people, or enlarges the power of y^e Proprietors, unlesse the Inhabitants of our Province shall by their Representatives first consent unto it. Wee rest,

Your affectionate friends,

ALBEMARLE,

P. COLLETON,

JOHN ARCHDALE,

for THOMAS ARCHDALE, for the LORD CARTERET.

CRAVEN, P^l.,

SHAFTESBURY,

BATH,

S. P. O. N^o. CAROLINA. B. T., VOL. 3, p. 8.

Lords Proprietors to Governor Moreton.

21 November, 1682.

Wee haveing agreed wth. the Hon^{ble}. Sr. John Cockram & Sr. George Campbell, in behalfe of themselves and other Scotts for y^e settlem^t. of a County in Carolina, do herewth. send you a copie of the articles, that you may see what wee are thereby obliged to doe & performe the same on our behalffes, accordingly, & y^t. you may also see what y^e Scotch are bound to, & see the same performed on their sides. You will find by the Articles y^t. if y^e County they take up be not contiguous to any of the three y^t. are already apointed to be set out, it is to be so far from them as to leave space according to y^e proportions in our Instructions, beareing date the 10th day of May, 1682, for a County betweene those already apointed to be set out & y^t. made choice of by y^e Scotts, & if it be farther remote then the bredth of one County, y^a. it must be so far remote as to have space enough for two Countyes & so on. Our Designe in this being that their County shall not be so taken up as to leave a space between County & County y^t. is not sufficient for a whole County, & thereby hinder y^e runing out of y^e whole regulary into Countyes of 5 squares broad next y^e sea, & 8 deep into y^e Land ; & in y^e next place wee desire you to observe y^t. y^e s^d. County contracted for wth. ye Scotch, is not to interfere wth. ye County wherein the cheefe Towne of Carolina shall bee sett, wth. wee designe to be on some part of Combahee River; their County is not to be on either bank of said River, but y^e s^d. River, as soon as wee have made choice of y^e place to set the said towne on, and agreed in what proportions to devide y^e Land thereof, for y^e better strengthning & for y^e more easy comunication of the Inhabitants of our s^d. Province, is to be free to all people whatsoever y^t. live under our Govermt., to have their conveniencyes there according to such rules & measures as wee shall hereafter set when the place for said towne is by us made choice of, & what wee meane by Combahee River, you will see by y^e Map herewth. sent you, set forth by our order. Wee are very much troubled to heare y^t. you have had warrs wth. y^e Indians, and are doubtfull it may very much impede the settlem^t. and discourage people from coming to you, if it be not speedyly ended, & we being also not throughly satisfied y^t. y^e grounds of s^d. warr were just on y^e English side, desire y^t. you will make peace with the Indians as soon as you can doe it wthout loss of reputation. Wee have granted pattents for Caciques to Cap^r. Henry Wilkinson, M^r. J^{no}. Smith, Major Thomas Row, M^r. Tho. Amy, & J^{no}. Gibbs, Esq., & M^r. J^{no}. Ashby, of which you are to take notice, & pass grants for their barronyes, according to our Instructions, when they require it. Wee now also send you new Instructions how you are to

grant Land, w^t. you are to cause to be recorded, and punctually observe the methods therein apointed for the future. Wee also desire you to let y^e Inhabitants of our Province know that wee will se* man the rent he is to pay us, if he desires not to be incumbered w^t. a rent after the rate of one shilling p^r. Aker.

Given under our hands and seals, this 21st of November, 1682.

CRAVEN, P^e,

ALBEMARLE,

BATH for the L^d. CARTERET,

P. COLLETON.

Pr. Capt^t. Kennady.

To JOSEPH MORETON, Esq.,

One of the Landgraves and Governour of Carolina, & our Deputyes.

S. P. O. N^o. CAROLINA. B. T., VOL. 3, p. 9.

Lords Proprietors to Governor Moreton.

21 November, 1682.

The Scotch & Divers others considerable persons who have intentions to become Setlers in Carolina, haveing let us know they were doubtfull y^t, there was not sufficient provizion made in our former Constitutions against oppression* people from such as should administer y^e Gov^t. in y^e Province of Carolina* us & wee being willing upon all occasions to demonstrate y^t. wee aime at nothing more y^a, the Prosperity, ease, security & well being of y^e Inhabitants of our s^d. Province, have thought fitt once more to take a review of our Fundamentall Constitutions of y^e Gover^t. of Carolina for y^e future. And wee being sensible that such often changes may be apt to breed doubts in the minds of some people y^t. we may as well change them to y^e prejudice of y^e Inhabitants of our s^d. Province as their advantage to take of all such doubts, Wee doe hereby ratifye & consent y^t. you may in Parliam^t. declare, recognize, enact & confirme y^e s^d. fundamentall Constitutions, consisting of 126 articles now sent you under our hands & seals, & under the great seal of our Province, & beareing date the 17th day of August, 1682, to be for y^e future y^e fundamentall Constitutions & forme of Gover^t. of y^e Province of Carolina for ever, by w^t. means there can be no addition or alteration hereafter, but according to y^e rules & methods in s^d. fundamentall Constitutions prescribed.

Given under our hands & seals this 21st of November, 1682.

CRAVEN, P^e,

ALBEMARLE,

BATH for the L^d. CARTERET,

P. COLLETON.

To JOSEPH MORETON, Esq.,

One of the Landgraves & Governour of Carolina, our Deputyes & Parliam^t.

Pr. Cap^t. Geo. Kennady.

* The spaces left blank were torn away in original.

S. P. O. N^o. CAROLINA. B. T., VOL. 3, p. 10

Lords Proprietors to Governor Moreton.

21 November, 1682.

By our Articles with y^e Scots you will perceive y^t. wee are to buy the Land of the County they choose of y^e Indians at our charge, wherefore desire y^t. as soon as their Agents have signified to you where they will have y^e s^d. County layd out, y^t. you instantly treat wth. y^e Indians and buy the said land of them, wth. wee would have conveyed to us, William, Earle of Craven, Christopher, Duke of Albemarle, Anthony, Earle of Shaftsbury, George, L^a. Carteret, Sr. Peter Colleton, Bar^t, Seth Sothell, Thomas Archdale, Esq^r., & our heirs & assignes for ever, by Indenture of Bargain & Sale, wth. the words give, grant, bargain, sell, alien, release, enfeof & confirme, & y^e Indians must give possession to our uses, wth. possession must be wittnessed also on y^e deed, & wee doe hereby impower you, Joseph Moreton & Maurice Mathews, Esq^r., or either of you, to receive & take possession of all lands sold by the Indians to our use, & to depute and authorize others to doe the same, & we desire you to send us copies of all deeds of sale you take from y^e Indians.

Given under our hands and sealas this 21st of November, 1682.

CRAVEN, P^e,
ALBEMARLE,
Bath for L^a. CARTERET,
P. COLLETON.

To JOSEPH MORETON, Esq.,

Landgrave & Governor of Carolina, and Maurice Mathews,
Surveyor-Generall.

P^r. Capⁿ. Kennedy.

S. P. O. NORTH CAROLINA. B. T., VOL. 3, p. 4.

Instructions for granting of Land in Carolina.

21 November, 1682.

1. Wee have directed y^e Surveyor Gen^{ll}. forthwith to set out two Countys, one of the north of Berkely County w^{ch}. is to be called Craven County, & y^e other south w^{ch}. is to be called Colleton County, & divide them into squares of 12,000 Akers, w^{ch}. when done, you are to observe the following rules in y^e grants you pass for lands in the same & all others that shall hereafter be set out, until you have other orders from us.

2. In the first place, you are by and with the consent and advice

of our Deputys, to make choice of in all Navigable Rivers in each County to be set out a peice of Land of 500 Akers, whereon to build the port towne for yt. River, in y^e choice of w^{ch}. you are to have regard to the following particulars, (viz.) that it be as far up as the bigest ship yt. can come over the barr of y^e s^d. River can safely & conveniently sayle. The land you make choice of to be so high above high water marke, that there may be convenient sellers made under ground. That there be plenty of wholesome water easy to be come at. That it may be if possible farr from Marshe swamps or standing Waters.

3. The square wherein the 500 Akers shall be you make choice of for a port towne is to be a Colony, so are y^e two next squares on y^e same side of y^e river adjoineing to it, so are the squares in behind them from the River, w^{ch}. six are to be a precinct, & no one man shall have in any of them nor in the three squares on y^e other side of the River oposite to them above y^e proportion following, viz., a Proprietor 800 Akers, a Landgrave that hath built a house in s^d. towne & hath right to so much land over & above his Barrony 600 Akers, a Cacique yt. hath built a house in s^d. towne and hath right to so much land over and above his Barronys 400 Akers, any other person that hath right to so much land, & shall build a house 200 Akers and no more, so there may be roome for a good number of people to set down together for y^e better strengthning y^e place, and whosoever doth take up land in any of y^e s^d. nine squares according to y^e s^d. proportions, may have as much front to y^e River as one fifth part of the Depth or side Lines of his Land is in from the River.

4. You are to consider of a convenient place for a ferry upon every Navigable River, & haveing pitched upon a place convenient, you are to order to be set out 1000 Akers w^{ch}. whosoever takes up, shall be obliged to keep a ferry for the ferrying over men & horses at such a price as shall be agreed on by the grand councell, and when you pass a grant for s^d. land, you are to incert the condition of keeping a ferry in the grant besides the rent.

5. Any Landgrave or Cacique makeing it apeare to you that he is so, either by produceing his pattent or being signified to you by us that we have so created him, & haveing subscribed in y^e Book for yt. purpose provided to beare faith & Allegiegeance to our Soveraigne Lord, King Charles the second his heirs & successors, and to be true and faithfull to the Lords Proprietors their heirs and successors, and to maintaine y^e forme of Governm^t. by them establish^t. in their fundamentall Constitutions, (bearing date y^e

day of in the Year of Our Lord, 1682) as in the same Constitutions is provided, you are then to issue out your orders to y^e Surveyor Gen^l, to admeasure out unto him as many of the Squares for Barronyes in the said County as of right doe belong unto him, and he is willing to take up and are not made choice of by you for a precinct for the towne, nor are before made choice of

by any other that hath right to choose, provided that each Barony be in one intire peece, & yt. in no one County there be above 4 Baronies set out to the Landgraves, 4 to y^e Caciques, nor above eight Signoryes to y^e Lords Proprietors, so yt. in every County there shall be 24 of y^e 40 squares remaine for the use of y^e people, nor are you in any County to suffer y^e People to posses more y^a. 24 squares, so yt. 16 squares intire may be left for y^e Signoryes & Baronies, yt. y^e Ball^{ee}. apointed by our Fundamentall Constitutions may be preservd.

6. Any of y^e squares of a County yt. are made choice of by a Proprietor, shall be a signory for ever belonging to yt. Proprietorship, & you are to pass the necessary grants for y^e same.

7. Any Landgrave or Cacique yt. is not in Carolina, may take up y^e said Land belonging to his Dignity by his Agents or Attorney.

No Man that hath right to land in Carolina by purchase and is under the Degree of a Proprietor, shall have liberty to choose the Land due to him untill he have subscribed in y^e book for yt. use provi^d, to bearre allegiance to our Soveraigne Lord the King his heirs & successors, to be true & faithful to y^e Pallatine, & y^e Lords Proprietors their heirs & successors, & to submitt to & maintaine the Goverm^t. as it is established by their fundamentall Constitutions, bearing date the day of

8. Any Man that hath subscribed, as is above mentioned, shall have liberty to choose their land & have it set out in manner following.

9. Any Man who by purchase or by bringing on Servants into our Province hath right to 12,000 Akers of Land, if he will take it up all together in one peece, shall have leave to choose any of the Squares in any of y^e Countys, yt. wee have directed forthwith to be set out yt. is not actually made choice of by some other, yt. hath right to choose a whole square or part of one, & may have as much of his Land fronting to a Navigable River as y^e g^t. of Akers will allow, wth. y^e side line of s^d. peece of land running from y^e River in straight parallel lines, 346 chaine so yt. y^e Breadth of y^e s^d. piece at y^e head line in from y^e river may be equall to y^e front line on y^e River.

10. Any Man haveing right to 6000 Akers of Land takeing it up in one peece, may have as much of his Land fronting on y^e River as halfe y^e depth, Viz., 173 chaine fronting on the River.

11. Any Man haveing right to any g^t. of Land under 6000 Akers, may have as much front to y^e River as y^e s^d. quantity of Land will bearre wth. y^e side lines of it runing in from y^e river in straight parallel lines 346 chaine.

12. Any one yt. shall take up his Land 346 chaine in from a Navigable River shall have it in a square figure, but any man yt. shall take up his land in a creek Navigable for boats only, shall have but a 6th. part of his depth fronting to s^d. Creek so yt. y^e more persons may come to have y^e Benefitt of it.

13. If two Navigable Rivers be so neare together yt. y^e distance is not sufficient to have y^e side lines run in 346 chaine from each River y^a. if they are above 346 chaine asunder y^e side lines are to run no farther than y^e midle between s^a. Rivers, but if they are not above 346 chaine asunder y^e side lines of land taken upon such part of them as are so neare together may run from River to River.

14. If any Man's line yt. takes up his land on a Navigable river or Creek be not contiguous to another, it shall not be nearer to another line than 12 chaine; if any man's line yt. takes up his land 346 chaine in from a Navigable River be not contiguous to another itt shall not be nearer to y^e next man's line y^a. 20 chaine, yt. so y^e space between line & line may not be too little for a plantation & become useless to y^e L^{ds} Prop^{rs}.

15. You are not to pass Grants to any Man whatsoever above 30 miles South of Stonoh nor above 50 miles North of Ashly & Copper river, nor above 60 miles in from the sea, upon any pretence whatsoever, unless you have spetiall orders for y^e same, undr. y^e hands & Seales of y^e Pallatine, and two more of us y^e Lords Proprietors.

16. We understand yt. there is on Edistoh River, about 20 miles above the head of Ashly River, a convenient, fertill piece of Land fitt to build a Towne on, w^{ch}. you are to reserve for yt. use, & cause y^e Surveyor Generall to set out there 500 akers for a Towne and 12000 akers for a Collony about it, of y^e w^{ch}. 500 akers is to be part, w^{ch}. being above y^e salts & marches, wee are of opinion will be more healthy y^a nearer y^e Sea, & if any man will build a house in s^a. Town you may grant him 100 akers in y^e Collony.

17. From any of these rules for seting out Land bounding & passing of grants for Land w^{ch}. wee have also commanded y^e Surveyor Generall to observe, you are not to deviate wthout spetiall orders for y^e same, undr. y^e hands & seals of y^e Pallatine, & two more of y^e Prop^{rs}.

18. You are to take notice yt. wee doe at present grant to all free persons above the age of 16, yt. come to plant in Carolina 50 akers of land & no more, & to them for each Servant they bring into Carolina at their charge, 50 akers more, and y^e like for each woman servant yt. is marageable, & for each male servant under 16, or woman servant not marageable, 40 akers, & to each servant when out of his time 50 akers to y^e respective persons & their heirs for ever, they paying y^e penny pr. aker quitt rent. Wee have reserved & w^{ch}. is too beginn to be paid y^e next Michaelmas, two yeares after they have made choice of their Land & to be so incerted in their respective grants.

19. Any person haveing transported himselfe & servants into yt. part of Carolina that is under your Gover^r. to plant, shall make it apeare to y^e selfe & y^e grand Councell by produceing his

Servants before them, or upon certificate upon oath, & his or her owne name & his servants name being recorded in y^e books of y^e grand Councell, and he haveing subscribed as is in these our Instructions before mentioned, you are thereupon to issue out a warrant to y^e Surveyor Generall to lay him out a parsell of land according to y^e proportions & rules directed in these our Instructions, & y^e Surveyor General having done y^e same, and y^e warrant, and y^e Surveyor Generalls retourne thereupon being recorded, you are to pass a deed indented for y^e same, according to y^e forme to wth. these our Rules are anexed, & you are to cause y^e party to whome you pass y^e s^d. deed att y^e same time, & before y^e same Witnesses, to signe, seale and deliver a counter part thereof to y^e use of us, W^m., Earle of Craven, Christ., Duke of Albemarle, Anth., Earle of Shaftsbury, George, L^d. Carteret, S^r. Peter Colleton, Seth Sothell, Tho. Archdale & our heirs & assignes to w^{ch}. deed you, our s^d. Governour, haveing sett y^e hands and seales of us, y^e Lords Proprietors, wth. y^e concet of four or more of our Deputyes, certified by their being Witnesses to y^e same, whereof Maurice Mathews, Esq., or y^e Surveyor Generall for y^e time being, to be one, & y^e counter part being signed, sealed & delivered, as aforesaid, bouth are to be recorded in the Register's Office, & y^e counter part of y^e said deed kept amongst the Records in y^e Secretaryes Office.

Mem.—The foregoing power for seting the hands & seales of y^e Lords Proprietors to grants for Land in Carolina, the forme of s^d Grant & Instructions for seting out Land were signed by y^e L^d. Craven, y^e Duke of Albemarle, y^e L^d. Bath for y^e L^d. Carteret, & S^r. Peter Colleton, & fixed altogether wth. y^e great seale of y^e Province.

S. P. O. N^o. CAROLINA. B. T. VOL 3, p. 1.

Power to grant Land in Carolina.

21 November, 1682.

To all to whome these presents shall come, greeting :

In our Lord God ever lasting, Know yee, that Wee, William, Earle of Craven, Pallatine, Christopher, Duke of Albemarle, Anthony, Earle of Shaftsbury, George, Lord Carteret, S^r. Peter Colleton, Bar^t., Seth Sothell & Thos. Archdale, Esq^r., the true & absolute Lords & Proprietors of y^e Province of Carolina in America, for divers good and reasonable causes us therunto moving, have given & granted, & by these presents doe give and grant full power, liberty, license and authority unto Joseph Moreton, Esq., one of the Landgraves & Governour of Carolina, & to y^e Governour for the time being, full power, lycense, liberty

and authority for us, and in our names to grant and convey land in Carolina to such persons as shall transport themselves or others into the said province, to plant & inhabit, by Indenture, according to the forme hereunto annexed, and in our names and to our uses to receive the Counterpart of the s^t. Indenture from any person or persons to whome land shall be so granted as aforesaid, and to any Indenture after the forme aforesaid to set our hands & seales, & in our names to deliver and execute by and with the consent of any four or more of the Deputyes of us the s^d. Lords Proprietors, whereof Maurice Mathews, Esq., or y^e Surveyr.-Gen^l. for the time being to be one, attested by their witnessing the same on y^e back of y^e Indenture or deed signed & sealed by the said Joseph Moreton, or y^e Governour for y^e time being, wth. y^e consent of four or more of our Deputyes, whereof Maurice Mathews, Esq., or y^e Surveyor for y^e time being to be one, being recorded together wth. y^e counterpart thereof, signed & sealed by the partys to whome Lands shall be thereby granted, shall be as good & firme a conveyance in the law, for the lands therein-mentioned to be conveyed as if y^e s^t. Indenture or deed had been actually signed, sealed & delivered by us y^e s^t. Lords Proprietors. Always provided that there be no more land thereby conveyed, then according to the quantity, limits and bounds y^t. are directed by our Rules for y^e granting of Land remaineinge upon record at Charles towne, on Ashley River, wthin y^e Province aforesaid, beareing date the twentieth day of November, 1682, a Schedule whereof is hereunto anexed. And also Provided, y^t. y^e rent in y^e s^t. deed reserved, be made to be payable from y^e next 29th day of September, 2 yeares after y^e partys choose y^e land conveyed. And wee doe hereby repeale & make voyde all former powers by us given, of granting land to such persons as shall transport themselves or others into o^r. s^t. Province to plant & inhabit.

In Witness whereof, We have hereunto set our hands & seales & y^e great seale of our Province, this 21st day of November, 1682.

CRAVEN, PAL^e.
ALBEMARLE,
BATH for L^d. CARTERET,
P. COLLETON,

S. P. O. N^o. CAROL. B. T., VOL. 3, p. 2.

Form of Grant for Land in Carolina.

21 November, 1682.

This Indenture, made the day of , in the yeare of our Lord , between the Right honorable William Earle of Craven, Christopher Duke of Albemarle, Anthony Earle of Shaftsbury, George Lord Carteret, Sr. Peter Colleton, Bar^t., Seth

Sothell & Thomas Archdale, Esqr^s., Lords Proprietors of the Province of Carolina, of y^e one part, & A. B. of the other part, Witnesseth that the s^d. William Earle of Craven, Christopher Duke of Albemarle, Anthony Earle of Shaftsbury, George Lord Carteret, S^r. Peter Colleton, Seth Sothell & Thomas Archdale, Esqr^s., for and in consideration ye s^d. A. B., his bringing into Carolina, persons, by name C. D. E. F., &c., for and in consideration of the rent hereafter in these presents reserved and contained, have granted, bargained & soould, aliened & confirmed, & by these presents doe grant, bargaine, sell, alien & confirme, unto the said A. B., a Plantation, containeinge Akers of English measure, lyeing & being in the County of , in the Province of Carolina aforesaid, & bounded , according to y^e Plott herunto anexed, [with all woods & trees, wth. what else there is thereon standing, groweing or being,*] wth. priviledge of hawkeing, hunting, fishing & fowleing, (except & alwayes reserved out of this present grant, all mines & minirells & quarryes of gems & pretios stones, and y^e reversion & reversions, remainder & remainders, & all & every y^e proffitts of y^e Premises, to have and to hold y^e s^d. plantation, & y^e presents hereby granted unto him, y^e s^d. A. B., his heirs & assigns for ever, yeelding & paying therefore yearly, and every yeare, upon the twenty-ninth day of September in every yeare, unto y^e said William Earle of Craven, Christopher Duke of Albemarle, Anthony Earle of Shaftsbury, George L^d Carteret, S^r. Peter Colleton, Seth Sothell & Thomas Archdale, Esqr^s., their heirs & assigns, one penny of lawfull mony of England, for every of y^e said Akers, to be holden of them, y^e s^d. William Earle of Craven, Christopher Duke of Albemarle, Antho. Earle of Shaftsbury, George L^d Carteret, S^r. Peter Colleton, Seth Sothell & Thomas Archdale, Esqr^s., in free & comon soccage, the first payment hereby reserved to begin & to be made due upon y^e 29th day of F^{ber}, w^{ch}. shall be in y^e yeare of our Lord , & y^e said A. B. doth for himselfe, his heirs, Execur^s, Admir^s & assignes, covenant, promise & grant to & wth. y^e s^d. W^m. Earle of Craven, Christ. Duke of Albemarle, Antho. Earle of Shaftsbury, George L^d. Carteret, S^r. Peter Colleton, Seth Sothell, Thomas Archdale, Esqr^s., & their heirs and assignes, in manner & form following, that is to say, he y^e s^d. A. B., his heirs & assigns, shall & will, from time to time, & at all times hereafter, well & truely pay the s^d. yearly rent hereby reserved to y^e s^d. W^m. Earle of Craven, Christ. Duke of Albemarle, Anth. Earle of Shaftsbury, George L^d. Carteret, S^r. Peter Colleton, Seth Sothell, Thos. Archdale, Esqr^s., their heirs & assignes, at or in Charles Towne, in Berkely County, in y^e s^d. Province of Carolina. Provided always, & it is hereby agreed that if the s^d. yearly rent hereby reserved, or any part thereof, shall happen to be behind &

* This is inserted in the margin.

unpaid by the space of six Calender months after or over any of y^e s^d. dayes of paymt^t, wherein y^e same is hereby reserved or made payable, there being no sufficient disstresse upon the premises hereby granted, then & in such case, it shall and may be lawfull to & for y^e s^d. W^m. Earle of Craven, Christ. Duke of Albemarle, Ant. Earle of Shaftsbury, George L^d. Carteret, S^r. Peter Colleton, Seth Sothell, Thomas Archdale, Esqr^r., their heirs & assignes, into y^e same Premises, & every part thereof, to enter & to take & receive, to their own use & benefit, all & every y^e rents, issues & profitts, so long & untill they shall thereby be fully satisfied & paid all arrears of y^e s^d. rents, & all their reasonable charges, damages & expences w^{ch}. they shall from time to time suffer or sustaine, for or by reason of y^e non payment of y^e said rent in manner aforesaid: Provided also, & y^e said A. B. doth, for himselfe, his heirs & assignes, covenant and grant to & wth. y^e s^d. William Earle of Craven, Christ. Duke of Albemarle, Antho. Earle of Shaftsbury, George L^d. Carteret, S^r. Peter Colleton, Seth Sothell, Thos. Archdale, Esq^r., their heirs and assignes, that in case it shall happen that the s^d. yearly rent hereby reserved, or any part thereof, to be behind & unpaid by the space of ninety dayes over or after any of the said dayes of paymt^t, whereon the same ought to be paid by virtue of the reservation thereof herein before contained, that then & soe often it shall & may be lawfull unto & for y^e s^d. W^m. Earle of Craven, Christ. Duke of Albemarle, Ant. Earle of Shaftsbury, George L^d. Carteret, S^r. Peter Colleton, Seth Sothell, [Thos. Archdale omitted] their heirs & assigns, from time to time, & at all times hereafter, into all and every of the premises hereby granted, or any part thereof, to enter & distraine, & y^e disstres & disstresses then & there found, to take, leade & carry & drive away & impound, & to detain & keep until they shall be fully satisfied and paid all arrears of y^e said rent.

In Witness Whereof, the said parties to these presents have hereunto interchangably set their hands and seales, the day & yeare first above written.

White Hall, this 30th of September, 1683.

In our last wee gave you directions that, of the twenty members to be [chosen] this month for the bienniall Parliament, ten of them should be chosen at Charles-Towne [in] Berkley County, out of the inhabitants & freeholders that have five hundred acres in that county, & the other term at London, in Colleton County, out of the inhabitants & ffreeholders, soe quallified in that county. Now, for as much as wee are not certain that those orders arived you soon enough, and that the Parliament was not soe chosen, wee doe hereby order that you forthwith dissolve the Present Parliament & call another, to be chosen according to those orders, and

that in the writts you direct them to be chosen at both places in one & the same day, but if it was soe chosen that then that you doe not disolve the same. Wee are informed that there are many undue practices in the choyce of members of Parl^{mt}, and that men are admitted to bring Papers for others & put in their votes for them, wh. is utterly illegal & contrary to the custome of Parliaments, & will in time, if suffered, be very mischeevious; you are, therefore, to take care that such practices be not suffered for the future, but every man must deliver his owne vote, & noe man suffered to bring the votes of another, & if the sheriffs of the Countys shall presume to disobey herein you are to commissionate eight other sheriffs in their Roomes.

Whereas, we. did by our order, dated the 21st. of November, 1682, give power to you, our Governor, to Rattifye & confirme in Parliament our fundamentall constitutions, dated the 17th day of August, 1682, wee doe now direct that you doe not doe it untill you receive further orders from us, for the Scotts have desired some additions that may be for the benefitt of the Inhabitants, and wee doe hereby repeale & make void the said Power to you Given.

The Secretaries, Surveyor Generals & Registers Places being of great trust & requiring men of abillity for the executing of them, which cannot be expected unlesse the Places afford some profitte Equivalent to their trouble, wee doe hereby strictly charge & require you not to consent to the passing of any act of Parl^{mt}. for the deminishing the fees that have hitherto been taken by the officers until you have first consulted us & had our consent for your soe doeing.

Wee doe strictly charge & require you not to suffer any Indians to be transported without the Lycense of the Parl^{mt}. chosen out of Both Countys, as we have above directed, & that you assemble the Pallatine Court to consult apart of all acts of. Parl^{mt}. & Lycence for transportation of Indians, that they may give their negative if the major part shall think fitt. If any magistrate or other officer, that is commissionated by you, our Gov^r., or chosen by the Pallatines Court, doe send away any Indian without producing the same before the Parl^{mt}., & have their Lycence for soe doeing, wee require that you dismiss him from his office & place another in his roome. Given under our hands & seals.

S. P. O. N^o. CAROLINA. B. T., VOL. 1.

Letter from "Cardrosse," &c., to the Governor & Grand Council at Charles Town.

25 March, 1684.

Stuarts Towne, on Port Royall, y^e. 25 March, 1684.

Honoured Sr:—

The Bearer hereof, Mr. Dunlop, one of our Number, haveing some occasions att Charles Towne, wee have laid it upon him to

give you an account of y^e State of our affaires, that noe mistakes may arise betwixt you and us, which wee seem to have ground to bee jelous of, both from something wee have heard of late & from 2 Orders wee have seen to Mr. Caleb Westbrooke, who liveth within this Countye and hath taken land from us ; the one being a Warrant to apprehend one Edinburgh within the Isle of S^{ta}. Hellena, which is likewise within our bounds, and the other an order to M^r. Westbrooke to appeare before you to give information touching severall transactions that are of late practiced to the Southward. And all this, without any notice given to us ; wee nothing doubt but that you all know the contracts & treaties that have been made betwixt the Lords Prop^{rs}. and us, and other of our Countreymen, which, as wee resolve to sincerely keep on our part, soe likewise wee expect and resolve to have them kept firme to us. As wee are confident the Lords Prop^{rs}. themselves, persons of soe great hono^r and worth, will faithfully doe. Wee have the ties of liveing under the same Royall King and of haveing the same Lords Propriet^{rs}, soe that it will never bee the true interest of any of us to lett Jealousies arise among us, especially att this tyme when wee have ground to apprehend the invasion of a Forraigner.

Wee expected to have heard what yor. resolves were after the perusal of the Spannish L^re. wee sent you, but as yett have not ; the bearer will likewise informe what sinistrous dealings Wina & Antonio, two noted Indians, have taken, both to stirr up the Indians in our parts one ag^t. another & likewise ag^t. ourselves, of which wee doe by this complaine & expect yor. justice, of whom wee likewise heare that they entertaine a Spanish Indian, whom wee have ground to apprehend to bee a Spye sent from S^{ta}. Augustine, S^{ta}. Maria or thereabout. Wee desire you cause deliver to the bearer those six guns the Lords Prop^{rs}. appoynted for us ; wee will trouble you noe further but remitt all to the bearer by whom wee expect a returne from you.

Wee,

Honor^d. S^{rs}.

Yor. most humble Serv^{ts}.

CARDROSSE,

WILL DUNLOP,

HAMILTON,

MONTGOMERIE.

To the Governo^r and Grand Councell at Charles Towne, &c.

S. P. O. N^o. CAROLINA. B. T., VOL. 1.

Letter from "Cardrosse" to Governor Rob'. Quary.

17 July, 1684.

Stuart's Towne, on Port Royall, July the 17.

Most honor^d. Sir :—

I have heard what the Resolucons of the Grand Councell were

last meeting concerning mee, whereby I find the Councell continue still in the apprehenſon that I have committed some high Misdemeanor, and looke upon my not appeareing as a great contempt of their authoritye. S^r, I doe not looke upon myſelfe as an English Lawyer, and therefore ſhall not bee positive in every notion I have taken of it. Yet my frequent conuerſe in England with men ſkilled in Law, and the cuſtomes I have ſeen uſed there, made mee thinke that the firſt paper which came from the Grand Councell, in the nature of a warrant and in the way it was communicated to me, was noe legal way of procedure, and I found it proceeded on ſuch a miſtake that I concluded, on the leaſt information, the Grand Councell wold turne the chace and notice what Dr. Woodward had done, whereby, noe doubt, I would have been vindicated, and it would have appeared that my cauſeing apprehend Dr. Woodward, under ſuch circumſtaſces, was noe uſurpaſion of Magistracy but a cleare owneing of and vindication of the authoritye of the Grand Councell att Charles Towne; when Mr. Griffith came laſt I was, as I ſtill continue to bee, taken ill of the feavor andague and ſoe could not answer then, nor can I expect, in a probable way, to bee in a capacity to waite upon the Councell in the Meeting it hath in Auguft. I am fully reſolved to come downe and to waite on you and it as ſoon as health and these heats, which I have not been accustomed with, will allow, which I hope will be in Septembeſt, when I doe nothing doubt to ſatisfye you and all other gentlemen anent what I did, and make it appear to you all how much I desire to vindicate yo^r. authoritye. And Peticon wth. I and others have here ſigned ſeverall dayes agoe, before I heard the laſt reſolves of the Grand Councell, will evidence how much I and others here desire to bee in every respect and part of the governm^t. and ſoe ſubject to it. I never was, and I hope never will bee, an enemie to the Governm^t; I hope what I now write will ſoe ſatisfye you and the reſt of the gentlemen of the Grand Councell that they will not further trouble themſelves for ſending for one who is very willing to take the firſt opportunity to come. I crave pardon for the tedious lyne in writing, whereof I am forced to make uſe of another's hand, but I have presumed on the ſmall acquaintance I have with you and on the character you now beare in the Government, of which I wish you much joy.

I am,

S^r.

Yo^r. moſt humble Serv^t.

CARDROſSE.

To Rob^t. Quary, Governor.

S. P. O. N^o. CAROLINA. B. T., VOL. 3, p. 160.*Lords Proprietors to Gov. Jas. Colleton.*

2 December, 1689.

We wrote you the 1st of March last, & then sent you Orders for the proclaiming William & Mary, Prince & Princess of Orange, King & Queen of England, Scotland, France & Ireland, & the Dominions & Territories thereunto belonging, copy of w^{ch}. letter is herewith sent, least in this time of War the Original should be miscarried, & if you have not already proclaimed the said King & Queen, you are forthwith to do it with all decency you can.

You say some persons have a mind to purchase their town lots, we are not as yet of opinion to sell them, they paying us only an acknowledgement, & we desire you to take notice that when any have a mind to buy land of us, they must apply to us, & if we agree wth. them we shall thereupon issue our order under our hands & seals, for your & the rest of our trustees passing a Grant for what wee have sold, for wee have not nor shall not give power to any in Carolina, to sell lands there & pass Grants for it without order first obtain^d. for it undr. the hand & seal of the Palatine & 2 more of the Lords Prop^{ts}., & if any without such order first obtained shall pass any Grant for Land sold, it is voyd in itself, and those that buy are thereby deceived, for we shall allow of no such Grant, we not being bound by it. You must take the best care you can to prevent the running of Servants & negroes to St. Augustine, & for the getting those again that do run thither. Had the Spaniards been fairly dealt wth. in the business of the Timagoa Indians, we conceive this had not been so much encouraged by them ; those Indians ought to have been returned to them whosoever had bought them.

As to what the Gov. of St. Augustine saith about his ord^{rs}. not to let the English come South of St. George, We shall in due time take care therein. We are pleased to hear you have begun to make the people sign the Indentures. We have by this conveyance sent orders undr. or. hands & seals about the Wharves at Charles Town, w^{ch}. we are willing the severall Proprietors sh^d. enjoy to their own use, provided they wharve in that part also that is against the end of the Streets, & settle a method for keeping that in constant repair. We have also sent some further Instructions for the method of passing Acts of Parliament w^{ch}. you are to observe. We are informed that you have fined a Minister £100 for preaching a seditious sermon, & imprisoned him until he pays it. Now we are told it is more than the man is worth, & that he hath acknowledged his error, Wherefore we w^d. have you remit it. Fines above men's estates, or so as to leave them not able to live, the law doth not allow of, and are voted a grievance by the Parliament here. As to the unruly behaviour of the Parliament, if it be for the people's good we are content with it, if it

be not, the people will see the inconvenience of choosing such men. We w^d. not have you call another Parliament until there be an absolute necessity, & that you find the people see their error in the former choice, w^{ch}. they will do as soon as they see the danger that threatens them by these men opposing all resolutions that tend to the quiet & safety of the place.

We rest, Yr. affect^e. friends,

CRAVEN, Palatine,

ASHLEY,

P. COLLETON,

JOHN ARCHDALE for THOS. ARCHDALE,

THOMAS AMY.

To JAMES COLLETON.

S. P. O. N^o. CAROLINA. B. T., VOL. 3, p. 161.

Lords Proprietors to Governor Colleton.

2 December, 1689.

We have by this Conveyance sent a sealed up Commission to be lodged with our Secretary, w^{ch}. is to be opened if our present Governor sh^d. dye or leave the place, and that it sh^d. so happen that the person named in the sealed up Commission formerly sent be dead or not in Carolina.

We understand that the ground wears away at Charles Town for want of wharfing it, now we are content that every man that hath a lot on the sea shall have liberty to wharve in the Land before his lot in the said Town & take the profit of it to himself, provided that the persons who have the benefit of this our concession, do settle some way amongst them for the wharfing & keeping in constant repair the wharves against the ends of the streets, also so that there may be a wharf for the other Inhabitants to land their goods at wthout charge.

You are not to pass any Acts for the raising of money on the Inhabitants of Carolina, unless the major part of the persons chosen by the people that are present in Parliament at the reading such Act give their consent to it.

And if any three Members of Parliament shall protest against any Act that is passing, that is contrary to our Fundamental Constitutions, You are then to proceed in the passing such law as it is in such case provided by the said Constitutions.

You are to cause this our Order to be recorded and filed, and to take notice of it as part of our Instructions for the Government.

Given under our hands and seals, this 2^d of December, 1689.

CRAVEN, Pal^{te}.

ASHLEY,

P. COLLETON,

JOHN ARCHDALE for THOS. ARCHDALE,

THOMAS AMY.

To JAMES COLLETON, ESQ.,

One of the Landgraves and Governor of that part of our Province of Carolina that lies South & West of Cape Feare, & to the Governor for the time being, & our Deputyes.

S. P. O. N^o. CAROLINA. VOL. 3, p. 167.

Lords Proprietors to Andrew Percivall. 18 Oct. 1690.

London, this 18th of Octr., 1690.

Sir,

Wee have received your letter dated 11th of March last, in which you write that it was publish^d. by beat of drum in Charles Town, y^e. all persons that took lands by former as well as by latter order, & that have not grants for the same must pay arrears. This was never intended by us as you may see by our Instructions for granting of land bearing date 10 May, 1682, which are or ought to be upon record in Carolina. Our pleasure being that all such persons that had pretensions to land before the publishing these our Instructions should not be required to pay the rent until y^e time appointed by those our Instructions for granting land, that were in force at y^e time of y^e arrival of such persons with their servants to plant in Carolina, Our intentions alone being and ever shall be to deale justly & fairly with all men. As to the changing Agrarian Laws, those laws were only an agreement among ourselves how our lands sh^d. be divided, & to be chang^d. when we saw reason for it, And wee always made y^e terms on which wee granted our lands public, so that every man might know what they were, & if he had dislik^d our terms he might have let o^r. land alone; We compelled no man to take it, and as to y^e grants by way of Indenture, It is y^e manner lands are granted here whereon rent is reserved, & tho' the rent mentioned be 1^d. p^r. Acre to avoid disputes, yet we always intended if money were not to be had to take o^r. rents in Commodities at price courant, & before the rec^t. of yor. letter had given o^r. order to o^r. Reciv^r. so to do, & if the Inhabitants bee decreas^d., We are of opinion if the reason be well inquir^d. into, it will be found to be the fault of some of the 1st. settlers, who if we are rightly informed have omitted no endeavours to discourage any people of worth that have come amongst you; Was not my Lord Cardross & the Scots that came with him affronted by them? was not there a Cabal held in order to y^e discourage Landgraves Morton & Axtel^s by whose encouragement above 500 people arrived in Carolina in less than a month's time? have not endeavours been used to discourage the French & by keeping things in no settlement, discouragement given to all sober men from coming amongst you or indeed staying with you?

We made no alterations in our Constitutions aft^r. y^e 1st of March, 1669, until desired to do it by some who intended to settle in Carolina, & the alterations made in 1681, gave y^e encouragm^t. to go there to y^e great number that went there in that year & the next, the alterations made afterwards was at the solicitations of the Scots, who intended to have sent 10,000 people there but would not be under y^e Governm^t. of Ashley River, unless those alterations were made in the Constitutions they desir^d. w^{ch}. alterations gave great satisfaction in many wealthy sober men here, who had intent to transplant themselves to Carolina, & many of which were discouraged from proceeding hearing those Constitutions were refused in Carolina, & had things been settled, We doubt not but there would have been many 1000 men in Carolina more than there is, for wise men & who have any thing will never come into a Country where there is no settled Govern^t that frees them from Oppression, for all the alterations in the Constitutions are but further limitations of or^r. own power, & putting more into the people's or their representatives, as yourself may see if you will but take the pains to read the severall Constitutions.

We have been inform^d. that a law for raising of powder being propos^d. the Parliament refus^d. to pass it, unless they might insert some untrue reflexions upon us, & in y^e name of Jas. Colleton, Esqr., without his quality of Governor^r; This Act had been in itself illegal if so passed, for power by the Charter is given to us by name, our Heirs, &c., to pass laws, they ought all to pass in or^r. names as hath been formerly used, & because the men that proposed this irregular course were not humour'd in it they would pass no law at all, & leave the Country to be over-run by either Indians or French, & in this necessity the Gov^r. thought fit to publish Articles of War, that care might be taken the honest well minded people might not be ruined by the perseverance of or^r., By or^r. Charter from the Crown power is given to us to exercise Martial Law, We shall not presume to say Magna Charta is or is not in force in America before that point be determined here it being disputed, nor shall We be so presumptuous as to determine the King's prerogative, & say the King could not give us power to exercise Martial Law in Carolina, But since all Patents must pass the Attorney or Solicitor General, y^r Privy & Great Seals, & that if any of those Officers pass any thing against law they are questionable for it, We conceive they w^d. not have inserted or pass^d. this pow^r, unless they had been well assured the King by law had power to grant it; But sure we are we shall never make use of this power, but in the greatest extremity; We think the Order of Council passed 26 Febr^r., 1689-90, ordaining all men to appeare, &c., to be a very good order & may be sufficient if you assist in it, to oblige all men to appeare wth. their arms when commanded so to do by their Officers, & if any refuse they may be indicted & punished, but if this will not do, w^d. you be content

to have your person and estate exposed to any small number that invade you either of Indians or French.

Mr. Percival, God hath blest you with a very good Estate in Carolina, but the courses that some Men in Carolina take, will certainly put it in a great hazard to be lost, for we cannot with a good conscience as things stand, advise any man to come amongst you for we value or. honor before any thing we have in Carolina, We have a value for you as a sober industrious man, & shall be very ready to do you any kindness that is in the power of

Your very affectionate friends,

CRAVEN,
Palatine,
P. COLLETON.

To

Andrew Percival, Esqr.

S. P. O. N^o. CAROLINA, B. T., VOL. 3, p. 180.

Lords Proprietors of Carolina to the Grand Council of South Carolina. 13 May, 1691.

London, this 13th of May, 1691.

There hath been sent us a Paper signed by Andrew Percivall, Robert Quary, Ralph Izzard, George Muschamp, John Berrisford, and John Harris, and findeing by the s^d. paper as alsoe by Mr. Sothell's letters accompanyeing it, that there is intentions to send two persons to us to informe us at large of all matters, Wee shall forbear to answer all y^e particuler contained in the s^d. paper untill wee have heard what the s^d. persons have to say, But wee think fit at present to let you know the constitutions so called and dated the 21 of July, 1669, Wee doe not, nor cannot owne as ours, or ever intended to be made use of as such by us, nor was there ever any alterations made in any of the Constitutions, but for the greater security of the people of Carolina from oppression, either by ourselves or our officers, as any one that will please to peruse the severall alterations may plainly perceive; the last in date still boundeing our owne power most, & putting more into the hands of the people, and w^{ch}. alterations were made to noe other intent but to invite people to goe there that yo^r. strength and security might be increased, and great numbers of peoples invited by the amendm^t. wee had made in our Constitutions had come to you from all parts of the world had not newes come from Carolina, that the alterations so much liked here were rejected in Carolina, and the Lord Cardross and others affronted and barbarously used the first day of their landing in Carolina, by those very men that promoted the rejection of the amendments, they gave over their thought of goeing to Carolina, w^{ch}. is the

true reason so few have come to you since but the French, for the Scotch did agree to pay us a peny pr^r. acre certain, and take their grants according to our forme, as their contract with us, w^{ch}. you have in Carolina will make apeare, and that demonstrates that it is not the forme of our Grants makes men forbeare goeing to Carolina, for the forme of our Grants were publiquely shewed here, w^{ch}. discouraged noe man, nor will people come there untill things are better settled, nor can wee wth. honor or a good conscience invite men to come amongst you, for wee will not deale disingeniously wth. any man upon any consideration whatsoever, nor, if wee would, have wee power to compell men to come and live, and continue under a govermt. they do not like, or amongst persons the unquietness of whose tempers will allow of no peace or settlem^t. Men will dye in Carolina for some time faster than they are borne or grow up, and if none come to you yo^r. numbers will by degrees be soe diminished that you will be easily cut off by the Indians or pyrats, w^{ch}. we leave to be considered by you, that you may know the consequence of hearkneing to men of unquiet and factious spirits.

We are informed there are some men in Carolina that pretend to have power to dispose of our land in another forme than wee have prescribed, and also to sell our Lands, & receive y^e money for it, and alsoe our rents. To prevent people being deluded in this matter, and compell^d. to pay money twice, Wee require you to publish that wee allow of noe grants or conveyances of Land, but such as shall be by the persons by us intrusted, and in the forme by us prescribed for that purpose by our Deed, under our hands and seales, beareing date the 19th of Nov^r., 1689, nor shall wee allow of any acquitances for rent, or other money due to us, but for such money as shall be paid to Paul Grimball, Esqr., who is the onely person intrusted by us to receive our rents or other moneys that are or shall become due to us in Carolina.

Wee did the last year send our orders to our s^d. Receiver to take our rents in peeces of eight, or where that was not to be had in the productions of the countrey, as it will apeare by our s^d. orders to that purpose by this Ship, least the former may have miscarried. Our intentions haveing always been not to put hardships on our Tenants, or to require impossibilitys from them ; nor had wee thought of changeing the forme of our Grants, had Wee not been well assured that the unquiet factious men amongst you gave out they would perswade the people not to pay us but at their own will and pleasures, unless they might be in such Offices as they desired, by whose cuⁿing Insinuations some weak and unprincipled men might have been wrought upon to beleive them, w^{ch}. might have created misunderstandings between us and the Inhabitants, w^{ch}. can never sute with the prosperity or safety in Carolina. It being a good correspondence between the Prop^{tor}s. and the Inhabitants, that will encourage others to come

to you, and must make that Countrey prosper and increase, to w^{ch}. wee shall be always ready to contribute all that wee can with yo^r. safety and our owne honours.

Wee have been long sensible of the Jealousys and heart-burnings occasioned among the principall Inhabitants of Carolina by their endeavours to have more trade with the Indians than their Neighbours, and w^{ch}. hath often hazarded the peace and well being of the Settlement, Wherefore wee should be glad to receive from you for our Confirmation, a draught of a Law for the regulating of that Trade p^{re}n^d, in such mañer as it might secure the peace of the Settlement, and yet leave all men at liberty to have an equal share and advantage of the Trade.

Wee rest Yo^r. affectionate Friends,

CRAVEN, Palatine,
ASHLEY,
CARTERET,

P. COLLETON,
JOHN ARCHDALE, for
THOS. ARCHDALE,
THOS. AMY.

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To our Grand Council of that part of our Province of Carolina that lyes South & West of Cape Feare.

S. P. O. N^o. CAROLINA. B. T., VOL. 3, p. 179.

Lords Pro^r. of Carolina to Seth Sothell. 13 May, 1691.

London, this 13th May, 1691.

S^r,

Wee are informed that you have by force taken all y^e records of Carolina out of y^e hands of Mr. Grimball, our Secretary, although y^e s^t. Grimball was co^missionated by us to be Secretary under our hands and the great seale of our Province. In w^{ch}. mañer wee found it absolutely necessary to have our Secretary co^missioned, that he being an Officer of the greatest trust in the Govrm^t, next to the Govr^t, might have his dependance on the Prop^{tors}. in generall, who are answerable to the King for the good or evill Govrm^t. of his Subjects, and untill wee had thus Co^missioned Mr. Grimball, Wee could never have the copies of those Records and Papers as were necessary to enable us to satisfy y^e King in such matter as he had or might inquire of us. Wherefore we must adhere to haveing our Secretary intirely dependant on the Prop^{tors}. in generall. Wee are also informed that you have imprisoned the the s^t. Grimball, because he would not deliver unto you the records and seale, with the custody of w^{ch}. he is particularly intrusted by us, for the sealeing Grants for Land; onely this Imprisonment, if

it be as we have heard, is Illegall and so arbitrary and tyrannicall and in so much contempt of our authority, wee doe not well know how to beleieve it. But that wee may know the certain truth of these matters, Wee have impowered Landgrave James Colleton, Tho. Smith, Stephen Bull, Ralph Izard, and John Farr, Esq^r., to make inquiry upon oath, and certify to us how they find it, and withall to take duplicates of the depositions of the Witnesses, and send them to us, that Wee, ourselves, may bee satisfied their report of this matter is without prejudice or partiality to any party. And wee doe hereby charge and require you to restore the records and seales to the said Grimball, If it be true that you have dispossess him of them, and to suffer him quietly to execute and enjoy the place of Secretary w^{ch}. wee have conferr^d. on him.

Wee are alsoe informed that you have put Mr. Skenking out from being Chief Judge or Sheriff of Berkly County, and have comissioned M^r. Quary for the s^d. place, a person by us ordred to be put out from being Secretary, for receiveing of Pyratts whilst he acted as Governor, (without any authority from us,) and other his Misdemeanours, while he was Secretary. Wee have heard no complaints of Mr. Skenking for injustice or oppression, and wee think it is not for the King's service or our owne honor to have a man turned out of imployment who hath behaved himself faithfully therein. And it being the Proprietors in generall that are responsible to the King for any failure of justice in Carolina, that Judges may not be to much in the power of any Governor, but may without danger of being turned out, doe justice equally between any man in power in Carolina, and any other of the Inhabitants, Wee have thought fitt to reserve to ourselves the power of apointeing Judges or Sheriffs of Countys, and have now sent a Comission, under our great seale, to Mr. Skenking, to be Cheef Judge or Sheriff of Berkly County, whom wee require you to permitt quietly to execute that office, who wee hope and are confident will doe equall justice to all men, whereby the people, to avoid being ruined, may not be compelled to doe as they did at Albemarle.

Wee rest,

Yor. affectionate Friends,

CRAVEN, Palatine,
ASHLEY,
CARTERET,

P. COLLETON,
JOHN ARCHDALE, for
THO. ARCHDALE,
THO. AMY.

To SETH SOTHELL, Esq.

S. P. O. N^o. CAROLINA, B. T., VOL. I.

To the Right Honorable Seth Sothell, One of the Lords and absolute Proprietors of the Province of Carrolena,—Chancellor, Governor and Comander in Cheefe of all their Majesties Forces in the said Province.

Right Honorable,

Please to admitt of an address which, though itt containes little else besides the relation of those mistakes w^{ch}. usually attend affaires transatted at a thousand leagues, and the uneasiness allwayes subsequent thereto, yett at this time is the happy result of yo^r. Hon^r. arrivall into this part of this Province, for the reaverence and fidelity which we sacredly owe to all the Loards and absolute Proprietors of this Province, and the certaine knowledge we had yt. thaier Lordships in generall ware neaver rightly informed of their affaires here, hath now, for many yeares, encoraged us to a patience under w^{ch}. we have not permitted ourselves, even to sight soe loud as to be heard by their Lordships; yett, overjoyed with your presence, we are of a suddaine full of hopes, yt. all which is amiss will be amended, and those miserable disquietudes and uncertainties w^{ch}. we have labored under, will be no more heard of, except in the method the Lords Propriet^{rs}. shall be pleased to use in the ablution of them. The age of the story we are to tell and the variety of matter, will not admitt of a very short discourse, but we shall industerously avoyd prolixity and paraphrase, & shall onely give a trew and plaine narative of affaires which, wee hope like things demonstrative to the scences, will, at first sight, sufficiently express y^e knowledge of the malady we would have cured. And we, in most humble manner, beg the favor of yr. Hon^r. to peruse this paper y^eselfe, and send it his Excel^r., the Pallatine, & every other of the Lords Proprietors singly, with such advantage to this Country, & such candor and favor as yo^r. Honnor hath soe often, since your arrivall here, given us reason to expect from your goodness. Bee pleased, therefore, to be informed that in the Yeare 1669 the Right Hon^{ble}., the Lords & absolute Propriet^{rs}. of this Province did encorage, by seavall galious concessions, seavall people to come in their Vessells, provided by them, to inhabitt this part of their province, [Ashley River] and wth. the said people, did send one Commission under their hands and y^e greate seale of the Province, dated the 26th day of July, 1669, directed to Col^l. William Saile, Governor, & others, his Chancellers & Assistantes, with Instructions allsoe for Government annexed to y^e same, yt. their Lordships did allsoe send wth. the said Commission and Instructions, Fundamental Lawes, Constitu^cons under the hands & Seales of six of their Lordships, and beareing date the 21st. day of July, '69, as the

unalterable forme & rule of Government for ever, for their Province of Carrolina & the Inhabitants thereof, and the Governor and Councillers are five times refered to the same in the said Commission and Instructions, and farther to induce those fundamentall Constitucions, which ware fairly engrossed in parchment, and signed and sealed as aforesaid, by a higher and more sacred and solemne manner then any article in them did require, and then hath since been prescribed upon the proposall of any other Lawes or Fundamental Constitucions whatsoever, all persons were required by the said forementiond Institucions to sweare submission to the said Fundamental Constitutions before they could be admitted to take up Lands or have y^e Honnor^r of beinge Comoners^r. of the grand Councell ; and seaveral hundred of the people arriveing here, did sweare accordingly. Wee are the more exact in this relation because it hath been of greatest moment wth. us here, and because, to our greatest admiration, wee have seen a letter read in Parliament ye^r 14th day of Feby. 1687, dated ye^r 3rd. of March, 1686-7, & signed by their Lords^{ss}, the Earle of Craven, the Lord of Bath for the Lord Carterett, his late Grace, the Duke of Albemarle, & Sr. Peter Colleton, wth. utterly denied the said Fundamental Constitutions, declaringe them to be but a Copy of an imperfect Originall, & much more, wth. wee are not willinge to write, nor will we here answer the particulars, in all wth. their L^ds ships are misinformed, least we should seem to love contention, while our designe & humble supplication is wholy to desire the Lords Propriet^rs. to be rightly informed, and in this case we shall doe noe more but humbly refer yo^r. Hon^r. & their Lo^dsp^r to the records in the Seeretary's office, wth. will (we doubt not) plainly shew y^t. nothinge betweene the Lords Propriet^rs. & the people hath been transacted soe sacredly and wth. soe mucht solemne caution on their Lo^dsp^r. parts as this affaire of the fundamentall constitutions dated the 21st. day of July, 1669, & how many soever of their L^dsps. signed & sealed any other Constitutions in England none ware ever publickly seen here subscribed & sealed wth. more hands & seales then those, & (allwayes reaservinge the respect and honnor y^t. is due from us to each particular Loard Propriet^r.) we humbly take notice that his Grace, the Duke of Albemarle and the Earle of Bath weare not concerned in the propriety of this Province when those fundamental Constitutions ware made & his Excellency, the Earle of Craven, hath allwayes been obliegded to attend the grate affaires of the kingdome soe neare the Royall Throne That it is not rationall to beleive that his L^dp can remember such sort of particulars as are sett downe in y^t. Lettr. for neare twenty yeares togeather, and wee are alsoe assured that his L^dp keepes not the Secretaryes office or indicted the Letter and therefore we leave this matter to be adjusted (if now any occasion remaines) by the records of the Grand Councell here, and the whole circumstances of the matter duly related.

That afterwards ye L^{ds}. Prop^{rs}. did send to their Governor & Counsell here new Instructions, under their hands and Temporary Lawes, und^r. their hands & seales, both dated the 10th of May, 1671, and those Instructions did seeme in one article to direct to some fundamentall Constitutions which had not before been scene, & about Febr^r, 1672-3, the Governor Co^u., Joseph West, did propose to the Councell, in the name of the Lords Propriet^{rs}., a booke of new fundamentall Constitutions, under the hands and seales of their Lo^{d^{sp}s}., and dated the first of March, 1669, to be subscribed unto by all men, as the sacred and unalterable forme & rule of Government for ever for this Province of Carolina, and afterwards, in the yeare 1677, the same fundamentall Constitutions were again by the s^a. Coll. West, in the L^{ds}. Prop^{rs}. names, proposed in Parliament as before in Councell, but they were received in neither, because the people had all sworne to the Constitutions before-mentioned, and here we humbly desire y^e Hon^r. to observe y^t. in a letter dated the 16th of 7^{ber}. 1671, y^t. their Lo^{d^{sp}s}. are pleased to write, that the fundamentall Constitutions were the termes upon w^{ch}. people had settled in their Countrey, and that therefore the people had reason to expect they (y^e L^{ds}. Prop^{rs}.) should (as they did resolve to do) make them good to them, & at y^t. time y^e fundametall Constitutions, dated the first of March, 1669, were not sent hither or knowne to be made, w^{ch}. further appeares by another Lett^r. from their Lo^{d^{sp}s}. to the Governor & Counsell here, dated the 26th of June, 1672, in which their Lordships write y^t. therewth. their printed fundamentall Constitutions, which are those dated y^e 1st of March, are sent, and that Lett^r. with y^e said fundamentall Constitutions were received here the 8th day of Febr^r. followinge, & then y^e said fundamentall Constitutions are first declared by their Lo^{d^{sp}s}. an authentique Coppey, & in the said Lett^r., allsoe subscribed by fower of their Lordships, (w^{ch}. had allsoe signed and sealed the fundamentall Constitutions, dated the 21st of July, 1669,) their L^{ds}. are pleased to condesend to give such reasons for the alterations & additions in y^e printed Coppey & difference from the former, y^t. it plainly appeares their Lordships disownes y^e former fundamentall Constitutions, (to w^{ch}. y^e people generally had then three yeares been sworne,) & are pleased to add that their Lo^{d^{sp}s}. are now resolved ultimately to stick to the printed fundamentalls without any further mutation, but we humbly refer yo^r. Hon^r. to y^e said letter it selfe, w^{ch}. seems to know nothinge of the reasons given in the other Lett^r before mentioned, & dated y^e 3^d of March, 1686-7. We shall not adde upon this matter further then y^t. we are well informed y^t. these printed fundamentall Constitutions have beene & are y^e establish rules of Goverment in Albemarle County in this same Province, and there confirmed in Parlmt^r., & that allsoe in this Goverment the Lords Propriet^{rs}. did, by severall Temperary Lawes & Instructions & Lett^r., under their hands & seales, (before y^e yeare '82,) about twenty-five times,

direct yt. the Government should be carried on and maintained accordinge to them.

That afterwards, in y^e yeare 82, the Lords Prop^{rs}. were pleased to send one other new fundementall Constitutions, under y^e hands & seales of six of their Lordships, & dated the 12th day of May, 1681, to be and remaine the sacred and unalterable forme and rule of Goverment of Carrolina for ever, and w^t^h. the same did alsoe send a letter, dated y^e 10th day of May, 1682, in which they were pleased to give certaine reasons for not first proposinge y^e said fundementall Constitutions to the people, and farther declar- ing that they did not pretend at any time hereafter to have power to alter any thing in the fundementall Constitutions, and without the peoples' consent, but at the sametime did more authentiquely by certaine Instructions, under their handes & seales of the same date with said Lett^r., (w^t^h. was under their hands onely,) direct & order yt. noe person should be chosen a Member of the Councill or Parliment, or have the liberty to cluse the Land due unto him before he subscribed submission to y^e new forme of Goverment established in this last fundementall Constitutions, and the people rememberinge their Oathes to the first, and deeminge these not to be agreeable to the Royall Charters, which direct the assent and approbation of the people to all Laws and Constitutions, did deney to receive the said fundementall Constitutions.

That a short time after this (before any newes of denying y^e third could be heard of in England,) an other fundemental Constitution under y^e hands & seales of fower of the Lords Prop^{rs}., & under the grate seale of the Province, and bearinge date the 17th day of August, 1682, were sent to and proposed at the Councill board to be received and subscribed to, w^t^h. fourth for the same reasons ware refused, as formerly the second and third, the Lett^r. from the Lords Prop^{rs}. dated the 20th of 9^{ber}, 1682, & the 13th of 7^{ber}, 1683, did declare noe other reason for the suddaine alteration, but yt. it was done at the request of the Scotts & other Considerable person.

That afterwards y^e L^d. Prop^{rs}. did, in a letter dated the 13th of 7^{ber}, 1683, revoke till further order the power given before to the Governor to confirme and rratifye in Parliment y^e said fundementall Constitutions, dated the 17th of May, 1682, & were pleased to give as a reason for their soe doinge, that the Scotts had desired some aditions might be made for the Benefit of the people, but one of their L^ds p^r. in June following, writt to S^r. Richard Kyrle, Governor, yt. the reason was because the people were perswaded to reject them by sedicious persons, & therefore for stoneinge y^e Lords Hon^r. the people should petition for yt. they were perswaded to reject, which notwithstandinge wee further in all humility informe yo^r. Hon^r.

That the Lords Prop^{rs}. did soone after send certaine Instructions under their Lordships hands & seales, dated the twelfth day

of March, 1684, containinge thirty-eight articles, and in the thirty-eight articles thereof did repeale and make voyd all former Instructions and Temporary Lawes whatsoever, and ordered that y^e third fundamentall Constitutions should be subscribed, submitted to & putt in practice as unalterable, &c. Whereupon the Comon^r., Representatives of the people in the Grand Councill, did enter one protestation in the Secretaryes office, dated the of December, 1685, against all the Articles of the said Instructions that did direct y^e Government to be according to the said third fundamentall Constitutions, dated the 12th day of January, 1681, (againe imposed) & against all other fundamentall Constitutions whatsoever, except the first to w^{ch}. the people had sworne as afores^d. That upon the nineteenth of 9^{ber}, 1685, y^e Parliment w^{ch}. consisted of eight Deputyes to the Lords Prop^r., & twenty Comoners (one whereof was absent,) did meeet at Charles Towne, and Landgrave Joseph Morton did, accordinge to the Lords Prop^r. Instructions, call all the Members to subscribe in a book to maintaine their fundamentall Constitutions (w^{ch}. by the Instructions beinge declared) to be those of the 12th of January, 1681, twelve of the nineteen did refuse to doe because they had sworne to those dated the 21st July, 1669, and therefore were ordered by the said Governor to avoyde the howse, and the seven Comoners remaininge wth. y^e eight Prop^r. Deputyes, did (without them) proceed and enact severall Lawes for the Goverment of the Inhabitants in this Collony, & the 12 excluded Members did protest against the illegality of their exclusion, & as appeares by their protestation under their hands & seales, dated the 20th day of 9^{ber}, 1685, & given into the Govern^r. hands in the Parliment howse, the 24th of the same month.

That while Landgrave Colleton was Governor, a Comittee in a Parliment was appoynted to inspect the fundamentall Constitutions & propose such alterations as they should thinck fitt; the worke grew volumious suddenly, but in another Parlim^t. all y^t. was layd aside for some heates ariseinge in the howse, Landgrave Colleton did, upon the 14th of Febr., 1687, in some passion, produce the above mentioned Letter from the Lords Prop^r., & directed to the Governor Deputyes Councill and Parliment, and dated the third of March, 1686-7, and comanded the Clarke to read itt, & thereupon it was afterwards recorded in the Archives of the Grand Councill & an authentique Copy taken of it, and in two Parliments, since the Comoners of the Parliment, as well as y^e Governor and Lords Deputyes, have deneyed to act accordinge to the first fundamentall Constitutions disowned by the Lords Prop^r. in the said Lettor, and the people haveinge not accordinge to the Royall Charters assented or approved of any fundamentall Constitutions in Parliment, have unanimously declared y^t. the Goverment now is to be directed and managed wholy and solely accordinge to the said Charters, and in particular the last Parliment did deny

that any Bill must necessarily pass the Grand Councill before it be read in Parliment, and did profer for the maintenance of peace and justice, to assent to & approve of any Law for yt^e end, to be made according to y^e directions and commands in the said Royall Charters [1689?], but the Governor and the Lords Deputies pressinge to proceed as formerly, viz., by havige all Bills first past the Grand Councill, nothinge was don, *and at this time not one statute Law is in force in this Colony.*

That as soon as y^e s^d. Parliment was dissolved, some few people, mostly the most ignorant, were wth greate industrey put upon, and perswaded to subscribe a petition to the Governor, for settinge up Martiall Law; soon as the French in towne ware tould it was only to cause a guard to be kept in Towne, others ware perswaded by the Governor himselfe to petition him, and y^e names of sum people put to the petition wthout their knowledge or consent, and then, on the 18th day of March last, the Pallatines Court, withoute adviseinge wth. the Commoners of the Grand Council, published certain Articles of War, still permittinge preposterously the Courts of Common Law to be kept open, against this y^e Comoners of the Grand Councill earnestly, with all due reverence, desired to be heard speake, and shew how little necessite or law there was for such unusuall methods of Goverment in a Country where all people were soe obedient & peaceable, but were denyed absolutely by the Pallatines Court, which caused the Comoners to draw one protest against the said martiall Law, but least they should put in the s^d. protest at the Councill board, the Council was shifted, and orders given that noe notice should be given them, whereupon they offered to file the said protest in the Secretaryes Office, but the Secretary would not receive it. Hereupon the whole Countrey imediately was exceedingly disturbed; those few that had signed the Petition cryed out they were betrayed, many prepared to leave the Countrey, but most people were soe weary of the discontents that attended their thoughts upon this illegal, tirannical and oppressive way of Goverment, that they were more concerned to be provided against their friends & fellow Subjects here then the publick Enemy abroad, and the ferment grew soe high that nothinge but desperation was generally observed among the people, the miserable consequence of which was blessedly evaded by yo^r. Hon^s. arrivall; but to abate these discontents an imprudent and dishonorable discourse was spread abroad, that the Martiall Law was put up the better to come up wth. som persons that had disoblidged the Pallatines Court, and as such Illegall and arbitrary proceedings are comonly maintained by falshoods, & the meanest and basest meane, the late Governor & Deputies did, in all their private discourses, affirme that there was noe other way left but to governe by Martiall Law, because the Comons of the late Parliment had absolutely denyed to make Laws for the Goverment of the Millitia, and to provide for the defence of the Countrey, whereas the said

Comons did then and 13 of them have since sworne, that they, the whole Commons, did propose to pass an Act for the Establishment of the Militia, and further as in the Coppey of the said Oath herew^t. sent is fully declared; but these low falsities beinge soon discovered, the Articles of War ware for somethinge not severely put in practice, but in this case, as in all other publick actions, an endeavour was made, upon pretence of this Law, to stopp all persons from going abroad to trade with the Indians, while the late Governor was providinge to send himselfe, and did, allsoe, after a little time, goe in his owne person out of the Settlement, and comanded agen, as formerly, noe Yamassee Indian to goe and assist any man in trading but himselfe, and then sent people to trade, &c. But we shall not further observe upon this tirannicall Martiall Law, but leave it in the grave yo^r. Hon^r. hath throwne it into, rendringe our most humble thanckes to you for yo^r. Justice therein.

That ye methods which those principally entrusted by the Lords Prop^rs. have, for many yeaeres, used for the imposition of the seaverall fundamentall Constitutions afore mentioned, have caused much uneasiness and trouble to the good Inhabitants of this Countrey in generall and many persons in particular, have felt upon the least surmised occasion the indignation, rather then ye justice, of those that governe here, and many thousands of people have been deterred from cominge hither to the disconsolation of those that are here, & ye disproffitt of the Lords Prop^rs. and many alsoe left the Cuntry, being not willinge to live constantly after soe uncertaine and unquiett a rate.

That there is frequent mention of Indian Deallers in the Lords Prop^rs. letters to the Governm^t. here, wth severe reflections upon them; but both before and since those Lett^rs. great endeavors have bin used to monopolize the whole Indian Trade, but wee forbare to mention here the whole matter because we cannot doe it wthout reflection upon som of the Lords Prop^rs., and soe wee onely instance that the late Governor Landgraye Colleton (who is believed, upon rationall grounds, to have a partner in England) did wth. y^r G^t. Councell make an order that, to prevent quarrels and bludshed, noe persons should goe in to ye inlands to trade with the Indians, and some persons were troubled for their disobedience, but the said late Governor sent out Englishmen and Indians, contrary to the said Order, and, under a frivolus pretence, did command and enjoyne the Yamassess Indians, The onely people fitt to assist the English, in a way of trade to the Inlands, not to goe wth. any person w^{soever} wthout his order, and, though wee have never wanted courage to regulate, by Lawes, the Indian Trade, so as that the Colony should not be in any danger from thence; yett wee have been alwayes interrupted and obstructed by such private doings as these. That we have often received Lett^rs. from the Spanish Governor at St. Augsteene w^{ch}. wee use to answer wth.

courage and wee hope wth. prudence ; but the Spaniards did invade us in the yeare 1686, destroying severall Plantations and mutch stock, and most barbarously burned alive one of our people, and carayed others away into captivity, and y^e whole Country did resolve, by fresh pursuite, to be revenged upon them ; but the late Governor arriveinge here forbid it at that time, and afterwards, when a new Governor, at St. Augustine, did send a Fryar and a Lieut. to treat wth. the Governt. here about all differences, &c., the Governor here (Landgrave Colleton) did not advise wth. the Common^rs. of the Councill about the matter, (unless once when he desired the Spanish Messenger should, by their consent, be maintained out of the publick Treasury,) but did, contrary to the Honno^r of the English Nation, pass by all the bloody insolencys the Spaniards had committed against this Colloney, and did, with others, enter into a Contract of Trade wth. the Freyar and sent goods with him ; wee are of oppinion wee ought not to be angry at a trade with the Spaniards, but as Englishmen, who wanted not corage to doe themselves Honora^ble satisfaction, we could not but admire y^t. soe execrable a barbarity committed upon the person of an Englishman ; & the great desolation y^t. was made in the South part of this Settlem^t. should be buryed in silence for the hopes of a little filthy lucre, w^{ch}. however, was missed of, because y^e Fryar never sent the retournes promised, but the Spanish Governor, in money, sent what he thought was the prime cost, but would never send back the Negroes y^t have run away from hence theither sendinge onely complementinge and faire promisinge Letters, while the Negroes are actually employed in buildinge a Fort on this side St. Augustine, and demandinge the Christian Spanish Indians, the Scotts, formerly settled at Port Royall, did cause to be brought to them, & which (most of them) were sent off to other Countreys and sould as Slaves, and about which action the Governor & Councill here writt, at large, to all the Lords Prop^rs. in a letter sent in the yerre 1686 to one of their Lordships by Capt. Ralph Crow, but of w^{ch}. wee have never heard since nor can understand that all the Lords have seene it.

That the Deputies and other Magistrates and Officers, Civil and Military, have been every day put out and others put in, without any respect to their qualiteys, parts, honesty or other abilityes, and the Comoners of the Grand Councill turned out, under pretence of misdemeanour, for any unwary action or word committed or said out of Councill or over a bottle of wine in a taverne ; and this hath been and may still be done with ease, for there is but eight Comoners when all the places are full (which seldome happens of late yeares) and if one of the Deputies charge one of them wth. any action or word, misdone or said, the person accused must stand by, and then there is eight Deputies to vote against seaven Comoners, w^{ch}. not onely in this case but in all others, make the Grand Councill w^{ch}. is alsoe all Courts of Justice, except the County

Court, and receive, allsoe, appeals from yt, be wholy in all its Judgments, Acts, Orders and Ordinances as the Governor and Deputyes please, and they not onely have a negative but an affirmative upon all occasions, and to justifie all this doe record y^e matters as they please and have entred men present when absent, &c., as we are ready to prove.

That severall Gentlemen, wholey unknowne to the Lords in generall, have been turned out of all places of Hon^r. or profit and forbid to be admitted to any by Lett^s. from the Lords Propriet^s., and the said Gentlemen never soe much as speake to or called to answer for any misdemeanor they had committed contrary to all justice and equity, and when some fault hath accidentally, and not to themselves been imputed, as perhaps sending off of Indians, Slaves, &c., the persons accused have been ready to clear themselves, and to declare and prove other reasons for such their usage, and in particular yt. y^e crimes they were charged with were in the badest sense imputable to those that informed against them.

That a Commission was sent to examine some Witnesses about some Gentlemen dealeing with, and this Commission was directed to those yt. were generally most guilty, & the Commissⁿ. being lost the Commissioners signed and sealed an oþer new Commission for themselves to examine the matter, & then did proceede to examine Witnesses after such a partiall manner as never was heard of, in particular askinge the Witnesses whether they did not meane soe & soe, contrary to the words of the Witnesses, and another said to an ignorant man, a Witness, Come friend, tell me in short yt. heads, and we will have it put into forme, &c., and at last the Gentlemen were cleared, & considering the dealeing some of these Commissioners had then had (as well as since,) wth. those Piratts it was easily conjectured that these Gentlemen were intended to be exposed upon the accoumpt of particular dissatisfaction concerning other matters taken against them by particular persons, but since we have said the Lords Prop^r. did send the said Comission & lett^s, we doe here with all sincirity declare that we utterly abhor & detest the thoughts of imputinge the least fault unto their L^ds p^s. in generall, in this or in any other case, beinge well assured yt. their L^ds p^s. have not leisure to mind the minute transactions and afairs yt. arise from hence, and yt. in particular we are well informed yt. their Lordships doe not know the names or persons of people here, (generally speaking,) till they heard of them from those of their owne honorble. number wth. keepe correspondence wth. some here, & wee hope to be the rather believed in this when wee have further informed yo^r. Hon^r. and their Lo^rds ps.

That most of the Gentlemen of this Countrey are soe unhappy as not to know the Lords Prop^r., or to have Correspondence wth. any except one or two of them, and thay are discouraged from writeinge to those too, because thay have not agreed in opinion

wth. them concerninge fundamentall Constitucions, Indentures for land and in matters of orderinge the Indian Trade, but when thay have writt freely their minds they have been chekt, & some dealt hardly with therefore. And the Lett^r. sent to the Lords Prop^{rs}. from the Councill, sealed and signed by the Comon^{rs}, have not been beleived, and others not delivered but misreprented by constrution made according to the Letter of thos four or five persons here who must, & we had almost said, dare not write but as shall plese those who direct them, for though most of y^m. be Lords Deputyes, yett they are put in by the Governor here and there persons & dangerous insufficiencies wholely unknowne to the Loards who they represent, And this it is that these men which most of them here are knowne to be extremely perverse or ignorant men, are the only informers of matters here, which, however, would not bee of soe bad a consequence, if other persons could have the opportunity to speake for themselves, or when they have found other judges, then those who have informed against them and are thereby become Partyes. That the L^{ds}. Prop^{rs}. forbiddinge Pattents to be passed as at first for Lands, and enjoyninge all persons y^t. will have lands to take them by Indentures in wth. the words or the vallew thereof are left out and a reservation expressed of ré-entry, whereas in the Pattents and in all the fundamentall Constitutions it was expressed a penny an acre or the vallew thereof, wthout any mention of re-entry, hath been the occasion y^t. many hundreds of people have deserted this Colony, and that many thousands have forbore comeing hither. The Lords Prop^{rs}. have been pleased in their first Concessions, Agrarian Lawes & fundamentall Constitutions to publish to the World that men here should have Lands by Pattents for a penny an acre or the vallew thereof, & people upon that Encoragement came hither not doubtinge but y^t. thousands would soon follow them, but they are to theire great misfortune deceived, and unless the Lords Prop^{rs}. will be pleased to convey their Land by some easyer way, are like to be left alone here, and in particular many people did not at first take up all their lands due to them because of the poverty & other incumbrances that did attend y^r new Settlement and those think themselves extremely hardly dealt wthall, that they cannot have Pattents as those had that came here at the same time wth. them. We doe not presume to perscribe methods to the Lords Prop^{rs}. of disposinge their owne lands, but we humbly propose it as rationall, y^t. men y^t. cannott gett money in this Countrey where there is noe mint may pay their rents in the most valuable and marchantable producee of theire Lands, it was soe in England till tenents by the encrease of a forraigne trade found it best for themselves and Land Lords to pay in money, it is now soe in most of the East Countryes, and particularly in most part of Scotland, where y^e great mens Estates in their publick Acts of Parliament are valewed by the number of Chaldrous of Corne

thay receive for rent. We shall not adde upon this matter, but yt. we, in behalfe of the whole Countrey, most humbly and heartily begg and beseech the Lords Prop^r. out of their favorable beneficence to be pleased to grant yt. whatever y^e conveyance be yt. y^e Lands shall therein be granted for a penny an acre or the vallew thereof, without any expressed reservation of re-entry, & y^e people will allwayes, in parliment or otherwise, be ready to adjust the price of Comodityes, so as yt. y^e Lords Prop^r. shall be gainers, and then we doubt not but in a very few years to see such multitudes of tennants here as yt. their Lordships shall quickly be re-imbursed their great charge, and this we are the most confident of because we are encoraged wth. severall new rich Comodityes as Silek, Cotton, Rice & Indigo, w^{ch}. are naturally produced here.

That we cannot, but wth. abhorrence & detestacion thinke of the base & vile usage yo^r. Hon^r. received after yo^r. arrivall here from y^e Lords Deputies and the late Governor, and as a marke of our duty be pleased to admitt of our sence of the matter as followeth :

Wee thincke them to have been extreme rude and unmannerly in not wayteinge upon yo^r. Hon^r. at any time after yo^r. comeinge ashore, while all the Gentlemen and considerable persons in the Countrey did, as soone as they heard of yo^r. arrival, imediately attend yo^r. Hon^r. & paid their respects to yo^r. person, and made their due acknowledgments of those illustrious qualtyes yt. attend it. Wee thinke alsoe yt. their actions and words towards yo^r. Hon^r. in the first meetinge you had wth. them, w^{ch}. was att a Pallatine's Court, was very rude and unjust, in endeavoringe first to enter a false record conserninge you, and therein threatninge to doe that which afterwards they endeavored, but failed, to doe, because yo^r. Hon^r. [would] not at their request subscribe the Coppy of fundamentall Constitutions, the Orrigginall whereof you had before signed and sealed in England, and yet at the same time suffer a Record to be made that you did approve of certaine Instructions as a rule of Goverm^t. in this Colony, w^{ch}. were in some articles contrary, and in some preferred even before these fundamentall Constitut^t. Yo^r. Hon^r. best knowes how they dealt with you that day while we ware absent, but we earnestly begg that yo^r. Honor will yourselfe write to the Lords Prop^r. an exact accompt of yt. dayes transaction in the Pallatine's Court, for we yt. are well experienet in the untoward shifts thay have now a long while used to governe by here, are afraid yt. thay will not write to yt. L^A. Prop^r. w^{ch}. thay correspond with what is, and was really done and said, but shall be most necessary to justefy their after seditious and wicked practises against your person, and this we rather believe, because thay have reported strange various tales conserninge yo^r. Hon^r, w^{ch}. sometimes contradicts themselves, & are allwayes very undecente and unlikely, but we cannot wth. patience endure the thoughts of, nor find fitt words to

express their undutifull and rebellious actions few dayes after, when they caused the drums to beate at Charles Towne, and Souldiers to take armes wthout your knowledge and order, (though you were then in Towne allsoe,) and did cause to be fixed up in a publick place in the said Towne, as allsoe to be filed in the Secretarye's Office a most pernicious & seditious libell against you, chargeinge you with Treason and other Crimes to be comitted by yoⁿ, and declaringe that the people need not obey yo^r. Hon^r. as Govern^r. till thay under their hands and seales did please to admitt of it, wth. had certainly put the whole Countrey into blood and distraction, had not the justice of yo^r. cause been soe plaine and obvious to every man, & their malice been soe extravagant and ill guided by the meanness & weakness that attended them, but we doubt not but in due course of Law, yo^r. Hon^r. will lett them know that y^e Laws will be exerted against those that dare so publickely offer such abominable insolencyes against y^e person and rights of one of the Lords and absolute Prop^rs. of this Province, and wee give our most hearty acknowledgements for that. Yo^r. Hon^r. hath been pleased to lay aside soe many of the Deputies as by law & the L^{d^s}. Prop^r. Instructions you might, the whole Countrey being apparently thereby preserved from confusion and dissolution, and we allsoe render our particular thankes that you have already issued out writts to call a parliment, as by a Petition voluntarily signed by four or five hundred of the best people in this Country, you were humbly requested to doe, and we doubt not but in the next parliment Lawes will be made to preserve the whole Colloney in peace and prosperity, and from all enemies abroad, and Martiall Law wthout legall occasion at home. As to the signeinge agen of the fundamentall Constitutions we will not trouble yo^r. Hon^r. with any discourse or arguments this Paper beinge intended generally as a bare narrative of former transactions here, wthout the adition of our one particular opinions in a matter of that moment. As to the Instructions, we owne that the L^{d^s}. Prop^r. have the power of sending, and such as they please, but cannot believe that their L^{d^s}.ps. did ever intend it prima facia, and wthout the assent and approbation of the people, they are to be received and put in practice as Statute Lawes, except in such matters as wholly belong to their L^{d^s}.ps. order and direction, accordinge to the Royall Charter, & we humbly observe that the late Instructions to which the Dep^s. would have had yo^r. Hon^r. made a Record of, yo^r. approbation of them, as an absolute rule of Goverment, are in some Articles contrary to the L^{d^s}. Prop^rs fundamental Constitutions in matters practicable at this time, and in two articles are positively prefered before all fundamental Constitutions. Wee have noe more to trouble yo^r. Hon^r. with at the present, and the rest of the Lords Prop^r., but humbly to informe that we are resolved in the next Parliment to promote the sending home to

England of two persons sufficiently commissionated to treate wth. the Lords Prop^rs. about all the affaires of this part of their Province, and that we hope such agreem^t. will thereby be made as yt. wee shall hereafter florish and prosper ; in meane time we shall endeavor as much as in us lyes to assist yo^r. Hon^r. according to our dutys, to keep peace and tranquillity here, & to cause justice to be distributed accordinge to Law.

S. P. O. N^o. CAROLINA, B. T., VOL 3, p. 177.

Lords Prop^r. of Carolina to Seth Sothell. 12 May, 1691.

London, May y^e 12th, 1691.

Sr.,

Your Letters directed to each of us, and all of y^e same tenour, of the 21 of Oct^{ber}., Wee have rec^d., and are well pleas^d. to finde you write that you will submitt to our Instructions for the Govermt^t., and that you never denied so to doe. Wee hope you are to knoweing and to wise a man to claime any power in Carolina but by virtue of them, for no *prop^r.* *single*, by virtue of our patents, hath any right to the Govermt^t., or to exercise any Jurisdiction there, unless impowered by the rest, nor hath any seaven of y^e Prop^rors. power to bind any one in his priviledge or property, unless by agreem^t. among ourselves, w^{ch}. agreem^t. is contained in our fundamentall Constitutions, bearing date the 12th of January, 1681, [1681–2.] those being the onely constitutions agreed or signed to by all the eight proprietors ; and if any proprietor shall come into Carolina and take upon him governt^t., grant, comissions, and traine and exercize men, any other wise then pursuant to the rules and Instructions for Govermt^t. apointed by the rest of y^e Proprietors, it is by the Laws of England high treason, as wee are well Informed, and if any Governor of Carolina shall without consent of our Deputys, Impowered by us or rules from us, take upon him to empower judges and other Magistrates, It is a very high misdemeanour in the person granting, and also in the person who accepts and executes such office, and all any such Officer shall doe, is voyd, erroneous and at his perill ; and any man in Carolina that shall take upon him to act as Deputy, that is not duely impowered by us or by rules from us, is answerable for all he shall doe by virtue of any such pretended power of Deputy. Wee are informed that Mr. Joseph Blake haveing a deputation under y^e hand and seale of Mr. Archdale, you have notwithstanding put him out from being Deputy, and put in Mr. Berrisford in his roome of yo^r. owne choice, and that Mr. Berrisford acts as Deputy. Wee hope this information is not true, for wee can never aprove yo^r. soe doing, and shall be obliged to vindicate our owne rights therein, for wee will never allow that any Gov^r., upon any p'tence

whatsoever, shall turne out a Deputy that is so apointed to bee under hand and seale of any Prop^{tor}, that tending towards a rebellion to y^e crowne, arbitrary power in himself, and the oueing of the rest of the Prop^{tors}. of their rights.

Wee know not what to say to y^e protestation of our Deputys, untill wee are truly informed of y^e matter of fact, they sayeing you positively refused to governe by our Instructions or rules of Goverment, and you affirm the contrary, for If you did refuse to governe by our Instructions, Wee think they did like wise and honest men to refuse to act with you, and wee have a very good character of the honesty, prudence and truth of severall of them, but wee shall suspend our Judgem^t. of that matter untill yo^r. arrivall in England, and that Wee have proof of the allegations on both sides, Wee do not aprove of any reflections upon you for actions in Albemarle, and shall be very ready to shew our resentm^t. thereof as soone as you have clear^d. yo^rself from the misdemeanors and oppressions layd to yo^r. charge by the Inhabitants of that County, w^{ch}. misdemeanours are, viz^t:

1. That you seiz^d. upon two persons that came into Albemarle from Barbados, pretending they were pyratts, although they produced cockets & clearm^t. of their goods from the Govⁿ. of Barbados & Bermudas.

2. That you kept these persons in hard durance, without bringing or pretending to bring them to tryall, in w^{ch}. hard durance Richard Humphrey, one of them, dyed of grief and ill usage.

3. That the s^a. Richard Humphreys made a will before his death, and left one Thomas Pollock his Executor, whom you would never admitt to prove the s^a. Will, though often required by the s^a. Pollock to permitt him to prove it before you, nor would not so much as suffer the Court to attest that y^e said Pollock had offred the will to prove, but took all y^e'goods into yo^r. owne hands and converted them to yo^r. owne use.

4. That the s^a. Pollock haveing sett up his name to come for England to complaine of yo^r. Injustice, you imprisoned him without shewing any reason, or permitting him to see a copy of his mittimus.

5. That you have for bribes withdrawne accusations that were for felony and treason.

6. That you did unlawfully imprison one Rob^t. Cannon.

7. That you did arbitrarily and unlawfully detaine from John Stewart, one Negro and 7 pewter dishes.

8. That you did imprison George Durant upon pretence of his having said some reflecting words of yo^rself, and did compell him to give you a bond for a sume of money while he was in durance, and did afterwards, on pretence of s^a bond, seize upon all the estate of the s^a. George Durant, without any process or collor of law, and converted the same to yo^r. owne use.

9. That you did unjustly take from one John Tomlin his plantation.

10. That you did unlawfully detaine the cattle of George Mathews, and refused to deliver them, although there was an order of court for it.

11. That you took the plantation of John Harris upon pretence of a sale of the same to you by the s^d. Harris, although you knew the s^d. Harris was under age.

12. That you unlawfully seiz^d. upon y^e estate of one Mowberry.

13. That you did, by yo^r. power as Gov^r & Propriet^r., seize upon severall mens estates without process of law, and did severall other unjust & arbitrary actions, for w^{ch}. misdemeanors and other opressions the Inhabitants of Albemarle imprisoned you, with intent to send you Prisoner to England, and there to accuse you, but you intreated them not to send you to England, but that you w^d. submitt all to be determined by the next generall assembly, who accordingly gave Judgemt. ag^t. you In all the fore-mentioned particulars, and compelled you to abjure the Country for 12 months and the Govermt. for ever, which proceedings of yo^rself and the people, is, in our opinion, prejudicial to the prerogative of the crowne, and the hono^r and dignity of us the Prop^{tors}. Wherefore, as in duty bound, and for our owne vindication, Wee are resolved to have this matter thoroughly inquired into, that wee may take such course for the preventeing such disorders for the future, as shall apeare most fitting for the asserting of their Ma^v. prerogative, the peace of the Province, the just libertys of y^e people, and vindication of ourselves. But are unwilling to proceed therein untill Wee have first spoken with you, wherefore desire and require that you come speedily for England, that Wee may have a full and clear information of all matters, and bee thereby inabled to know how to proceed, and if you shall refuse or delay to come, Wee cannot avoid thinking you guilty of all the misdemeanours layd to yo^r. charge, and shall be constrained for our own vindications, and to shew our abhorrence of the injustice and opression practiced by any of our number, to lay the whole matter before the King, and pray his mandamus for yo^r. appearance here to answer what shall be objected ag^t. you, w^{ch}. wee hope you will not compell us to, Wee being unwilling to make you a publick shame or to bring you under a prosecution wee ourselves cannot stop when once begun.

Our Deputys had orders from us not to call any Parliam^t. in Carolina without directions from us, unless some very extraordinary occasion should require it, wherefore we cannot blame them for following our Instructions, nor can wee aprove of yo^r incourageing the people to petition for a Parliam^t. or calling one, because they did petition, tumultuous petitions being prohibited by Act of Parliam^t. here with a severe penalty upon such as shall break that law, and wee know not how farr such ill example in Carolina may influence his

Maj^{ties} Subjects in his other American plantations, but since you write that the Inhabitans have intentions to depuse 2 persons for our better Information of all matters, We have directed our Deputys to consent to the calling of a Parliam^t. for that purpose, for any parliam^t. called by you with consent of such Deputys as are not duly impowered by us, Wee cannot allow to be a Parliam^t. nor can wee tell how to justify our own consenting to any Acts made by such Assembly.

Wee here inclosed send you copie of some articles under the hands and seals of the Prop^{tors}. in 1672, to w^{ch}. my Lord Clarendon sett his hand and seale, and to w^{ch}. any that claime under him are bound. Wee have no thought nor intentions to doe you wrong or injury, but on the other side Wee shall not permit ourselves to be imposed on nor his Majest^{y's} Subjects that live under our governm^t. to be oppress^d. or unjustly dealt with by any persons whatsoever, and shall much rather surrender our Governm^t. to the King then suffer it, If it bee not to be remedied otherways, for we have no other interest to keep the Governm^t. in our owne hands but that we may be able to assure the people they shall not be oprest by the Govern^t. and thereby incourage them to goe to Carolina to take our land and pay us the rent for it is not our intentions to make profit by the Governm^t. our selves or to suffer any Officers under us to oppress y^e people by extravagant fees and grow rich by the ruin of y^e people.

Wee rest,

Yor affectionate friends,

CRAVEN, Palatine,
ASHLEY,
CARTERET.

P. COLLETON,
JOHN ARCHDALE, for
THOS. ARCHDALE,
THOS. AMY.
To SETH SOTHELL, Esq.

Upon disagreement between Gov. Ludwell & the Assembly, about Act of indemnity & pardon in Sept. 1692, the following representation of grievances was prepared by the Assembly. Afterwards the 14th section, was added in Sept., 1693, & the whole sent to the Gov. & Deputies.

May it Please your Honors,

Wee againe presume to beg your Hon^rs. to represent our grievances to their Lordshippes, the want of which we conceive hath been the occasion of their continuance and increase.

1st. That the R^t. Hon^r. the Lords prop^r. have not all agreed to the same forme for conveyancing of Land, and the latest forme agreed to by some of them not satisfactory to the people.

2nd. That the Lords Receiver of Rents hath not been Commissioned by them all, nor any agreement of their whole number, Come yett to our knowledge to authorize any less number to Commission a receiver.

3d. That the office of Sheriff & Judge of the Court of Pleas are lodged in one & the same person.

4th. That although the power of erecting Courts be in their Lordshipps, yett courts ought to be bounded and regulated by laws made by the assent of the people.

5th. That Public Officers taking much greater fees than are allowed by act of Parliament in England for the same & like things, and before the same be settled by act of Assembly here.

6th. That the Representatives or delegates of the People are too few in Assembly, & that the People doe not appoint the number of their delegates according to the King's most gracious Charter.

7th. That their Lordshipps hold two Pallatine Courts, and that the one makes void what the other enacts, as of late severall acts of the Assembly have been repealed by one, which have been ratified by the other, & that before they became voyd by limitation in themselves, & that their Lordshipps Deputies are not fully enough empowered to give their assent with the people, to enact such laws & for such time as the want of which may hazard the loss of their county.

8th. That the Pallatine Courts here doe assume to put in force such English Laws as they Judge are adapted to this Province, which we conceive are all soe by their own force, or not to be made soe but by act of Assembly.

9th. That Inferior Courts taking upon themselves to try, adjudge & determine the power of Assemblies, or the validity of acts made by them, or of such matters and things as are acted by, or relating to the House of Commons, all which (we humbly conceive,) is only inquireable into and determinable by the next Succeeding General Assembly.

10th. The Setting up of martial law (except in cases of Rebellion, Tumult, Sedition or Invasion,) we Conceive is not warranted by the King's Charter.

11th. The taking of bonds or writings obligatory, without or not according to Law.

12th. The want of a competent number of Commoners to represent them in Councill.

13th. The refusial of an Act of Indemnity and confirmation of Judicial proceedings in the late Government, and denyall to stopp proceedings concerning the same, till their Lordshipps pleasure, be known about the same, notwithstanding their Lordshipps Deputies have thought fitt to represent the same.

14th. That their Lordshipps have forbidden their Deputies to putt in execution any laws relating to Courts of Judicature, or

altering of the forms of proceedings therein, or any other matter relating to Judicature, magistrates, Judges, Sheriffs, or any other officers, or relating to Juries or Elections of Representatives for the General Assembly; or relating to the fees taken or belonging to any officer or officers constituted or appointed by them before such time as their Lordshippes Consente thereunto signified from England, which, at soonest, we cannot expect in less time than one year, sometimes two, and before that time, the occasion and reason of their being made may cease, & the exactions & oppressions of Public officers may have left us nothing worth making law for; and where Laws relating to such matters are not made, Justice between man & man cannot be expected, And we humbly conceive that the Patent of Carolina doth not give any such powers to their Lordshippes, nor intend that people soe long time lived under the Grievances and mischief of the want of such necessary laws, which by all wise people first and before all others are provided for.

JONATHAN AMORY, Speaker.

Nov. 8, 1692.

Whereas by the twenty-seventh & twenty-eighth articles of our Instructions to you, Coⁿ. Phillip Ludwell, our Governor of our Province of Carolina, bearing date the Eighth day of November, one thousand six hundred and ninety-one, we have given power and authority to the said Coⁿ. Phillip Ludwell, by and with the advice and consent of our Deputies, Landgraves and Casiques, and delegates of the freeman or major part of them, to make, ordaine, and enact such Laws as should be thought necessary for the better government of our Province, but to be ratified by the s^a. Phillip Ludwell, and three or more of our Deputies, under their hands and seals, before such acts be published or allowed to be laws, which Laws should continue in force for two years, and no longer, unless within that time they were ratified and confirmed under the hands and seals of the Pallatines, and three or more of the Lords Prop^r. themselves, and by their order published in the General Assembly, and should cease to be laws whenever (before they were ratified and confirmed by the Pallatine, and three or more of the Lords Proprietors should under their hands and seals signify their dissent to them—which power and authority for passing of Laws, as aforesaid, we doe hereby repeale, and make void as to all matters relating to the Courts of Judicature in Carolina, or alteration of the forms of proceedings from what was practiced during the Governments of Landgrave James Colleton, and Landgrave Joseph Morton, or any other matters relating to Judicature, Magistrates, Judges, Sheriffs, or other officers, or relating to Jurys or Election of Representatives for the General Assembly, or relating to the fees taken or belonging to any officer or officers constituted or appointed by us, all which being matters

which will admit of delay without exposing the safty of the inhabitants of our Province to any foreign enemy, or attempt of the Indians. We will and ordaine that bills relating to the above mentioned matters and consented to by you, our Governor, or the Governor for the time being, & three or more of our Deputies shall be transmitted to us to be considered of, and not published or put in execution as Laws, until they be consented to & Ratified and confirmed under the hands and seals of the Palatine and three or more of the Lords Prop^{rs}., and by their order Published as a law in Carolina, but in all other matters the said power for passing and enacting Laws is to continue as is appoynted by our said Instructions to Coⁿ. Phillip Ludwell, our Governor of the Province of Carolina, bearing date the Eighth day of November, one thousand six hundred & ninety and one. Given under our hands & seals the Seaventh of April, 1693.

CRAVEN, Pall,	[L.S.]
P. COLLETON,	[L.S.]
JNO. ARCHDALE,	[L.S.]
for THOS. ARCHDALE,	[L.S.]
THOMAS AMY,	[L.S.]
A. ASHLEY,	[L.S.]

Recorded in the Secretary's office this 14 day of September, 1693.

Pr. JN^o. HAMILTON, Dep. Sec'y.

London, this 10th April, 1693.

We have seen an act past in Carolina, entitled an act to provide Indifferent Jurymen in all causes, Civill and Crimiral, which act requiring the Sheriff of each County to divide all the persons of each County into twelve, and them write in paper, and two papers of twelve names each to be drawn, and the persons whose names are therein contained to be summoned to serve as Jurymen the next Court after such draught, and then one of the s^t. papers drawne againe, and the persons whose names are written in the paper thus last drawne, to be the Jury for tryall of causes, we judge to be very unreasonable, and many ways dangerous and tending to the lending [leaving] the most enormous crimes unpunisht, especially Pyracy, for it will thereby be in the power of the Sheriff so to divide the twelve for each paper, that there shall be in every paper some notorious favorers of Pyrates, who coming prepared for it may be able to constraine the rest of the Jury to consent to what verdict they please, which being contrary to their majesties service, and dangerous to the peace, perhaps of England itself, and the said act being in other things very dangerous to the Inhabitants of our Province, and contrary to the Laws of England, as it is declared in the bill of rights passed in

their present Majesties reigne, we have thought fit to dissent to, & thereby made the same null and void, and do require you not to put the same into execution as a Law in Carolina, and that you doe forthwith, upon receipt hereof, give notice of our dissent to the said act to the respective Sheriffs of the Counties there, and that the said Law is hereby vacated and cease to be a law, and that they are not to put the said act in execution as a Law any longer. We have also seen another act, Entituled an act to regulate Elections of Members of the General Assembly ; which act enabling all persons that [take] oath that they are worth tenn pounds, to give their vote for members of General Assembly, and all the members of the Assembly for the present being chosen for the Counties, we are of opinion they ought all to be freeholders that elect, and those act, not mentioning how long any person worth tenn pounds must have been an Inhabitant of the County before he be admitted to vote for members of the Assembly, it is so loose that by this Act all the Pyrates that were in the Shipp that had been plundering in the Red Sea had been qualified to vote for Representatives in Carolina, which being of dangerous consequence to the Inhabitants, we have thought fitt to dissent to that act alsoe, but have cheerfully passed, and under hands and seals ratified and confirmed the act Intituled an act for the better observation of the Lord's day, commonly called Sunday, and are well pleased with all those that voted for itt, and we hope that you will take great care the said act be strictly putt in execution. We have also Ratified and confirmed the act entituled an act to prevent swine gooing at large in or about Charlestowne, and to prevent nuisances, and shall be always ready to consent to any other act that we are convinced is for the good or convenience of the Inhabitants of our province. We have thought fit to send you additional Instructions about passing Laws in Carolina, which you are to observe, and wee doe require that you ratify no Law that diminishesth or altereth any of the Powers granted to us in our Charter from the Crowne ; but when any such bill is past in the General Assembly and Consented to by yourselves, you are to send the same to us for our approbation and consent before you ratify the same, our intent & meaning that nothing of that nature should be putt in execution, as a law in Carolina, untill we ourselves have consented to it. The French have Complained to us, that they are threatened to have their Estates taken from their children after their death, because they are aliens. Now many of them may have bought the lands they enjoy of us, and if their Estates are forfeited they escheat to us, and God forbid that we should [take] the advantage of the forfeiture, nor doe so we intend, and therefore have sent our declaration, under our hands and seals, to that purpose, which we will shall be registered in the Secretary's and Registers Office, that it may remaine upon record in Carolina, and be obliging to

our heirs, Successors and assigns. They also complain that they are required to begin their Divine worshipp at the same time the English doe, which is inconvenient to them in regard to severall of their congregations living out of the Towne are forced to come and goe by water, & for the conveniency of such, they begin their Divine Worship earlier or later, as the tide serves, in which we would not have them molested. They Complain, alsoe, that they are told the mearriages made by their ministers is not lawfull, because they are not ordained by some bishop, and that their children begotten in such marriages are bastards. We have power by our Patent to grant liberty of Conscience in Carolina, and it is granted by an act of Parliament here, and persons are married here in the Dutch & French Churches by ministers that were never ordained, and yett we have not heard that the children begotten in such marriages are reputed unlawful or bastards, and this seems to us opposite to that liberty of conscience their magesties have consented to here, And we, pursuant to the power Granted to us, have Granted in Carolina. Wee desire these things may be removed, and that their Complaints of all kinds, be heard with favour, and that they have equal Justice with Englishmen, and enjoy the same privileges ; it being for their magesties Service to have as many of them as we can in Carolina, Wee would have them receive all manner of Just encouragement whatsoeuer. And we would have you send for the Chief of them and give them assurance of itt. Wee finde that Mr. Joshua Hobson, Deputy to Mr. Grimball in the Secretary's Office, did suffer for the refusing to submit to the usurped authority of Mr. Sothell, wherefore we are willing that he should be encouraged, and would not have him hindered from pleasing the Prop^r. [Proprietors] there as well as assisting him as Deputy in the Secretary's Office. The which we doe in favor to the said Joshua Hobson, as well as to ease our Secretary, who being to send us constant copies of all that passeth in the Councill and Parliament there, for which he hath no fees, we would not have his charge augmented by forcing him to allow Mr. Hobson a greater salary to incourage him to continue his Deputy, and this we would have done, unless you can give us some very substantial reasons to the contrary. We observe in the act about the fines of those Jurymen that do not appear are appointed to be paid to the Treasurer, & to be disposed of as the General Assembly shall direct. We do not find one precedent that the Parliament of England have ever reserved any money out of either Taxes or forfeitures to be disposed of by themselves, and by our Grant from the Crowne, the Laws of Carolina are to be as near as may be agreeable to the Laws of England ; Wherefore we desire you to be cautious how you pass any such laws for the future, for we shall Consider very well before we pass any such. All public money in Carolina must be disposed of by our consent or order. And we alsoe desire that in all acts or other public writings, you

give us the same stile [style] that is given us by the Crowne in our Patent of the true & absolute Lords, which title gives us no more power than the Patent itself doth, nor doe we claim any more thereby. We have thought fitt to appoynt Mr. Tho^r. Smith to be Sheriffe or Chief Judge of Berkley County, by which employement we do not understand that he is incapacitated to serve as Deputy, but may continue in that Station alsoe.

We comit you to the Protection of Almighty God, & Rest
Your very affectionate friends,

CRAVEN, Pall.	[L. S.]
A. ASHLEY,	[L. S.]
P. COLLETON,	[L. S.]
THOMAS AMY,	[L. S.]

To the Governor & our Deputies at Ashley River in Carolina.

Att A General Assembly mett at the House of Mr. Francis Fiddling at Charlestowne, on the 30th day of January, 1696.

William, Earle of Craven, Pallatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina:

To Robert Gibbs, High Sheriff of Berkley County, Greeting:

Whereas by our Proclamation on the 29th day of November, inst., made and published for reasons therein expressed, we have thought fitt to dissolve the late General Assembly, and notwithstanding all our designs and endeavours to settle this Province in Peace and tranquility, have by the obstinate majority of the House of Commons been frustrated, and willing as far as in us lyes, to gratify and comply with the request of some, but the more modest and reasonable of the members of the House of Commons, and other well meaning inhabitants of this Province by their address for that end to us signified, We, therefore, hereby, dispensing with our Power to us Granted by our Charter and former Precedents, Command you to Summon all the King's Leidge subjects, the freemen Inhabitants of Berkly County to be and appear together with all the rest of the freemen as aforesaid of this part of our Province, at Charlestowne, on 19th day of December next, then and there by a majority of their voices to agree to and ascertaine the number of their Representatives for this part of the Province, to consult and advise with us about making such laws, as shall be necessary for the safety and defence of this Province, whence as often as wee shall see occasion to call them theirs. Witness John Archdale, Esq., our Governor, Admirall and Capt. General of our said Province, and the rest of our Deputies at Charlestowne, this 30th day of November, 1695.

W.M. HAWETT,
STEPHEN BULL

JOHN ARCHDALE,
JOSEPH BLAKE,
PAULL GRIMBALL,
STEPHEN BULL,
JAMES MOORE.

The Humble Petition of the House of Commons.

May it Please Your Honors:

The Rt. Honble. the Lords and absolute Proprietors of this Province not requiring from the people any rent till the year 1690, gave the first settlers of this Place such encouragement that they laboured under a Continental watch and Guard to defend it and themselves from the attempts of the Spaniards, and state that they were so much employed therein, that for many years they could not make sufficient Provisions for themselves, but suffered the want of Bread, and went through many difficulties, even to the despair of their lives, at last, it Pleased God, by his divine Goodness, Soe to bless the endeavours of the People of this Settlement, that they not only made their own Provisions, but in Some measure, supplied their neighbours, by which means the fame of this place, beyond the Seas, encouraged many People in Europe and other Parts to come hither and settle, and they did readily and willingly take the Conveyance for lands that was then granted, and cheerfully joyned hand in hand with their neighbours in settling and defending this Place to the Great Honor of the Lords Prop^{rs} and the joy and strengthening of the first Comers in soe much, that doubted not but all difficulties were over, and that every one should sitt down under his own vine in Peace. But those Haleyon days did not continue long, their Lordships were Pleased in the year one thousand six hundred and eighty-two to alter the first Grant and order a new conveyance for Lands to the great dislike of the People, which occasioned some old settlers and may new comers to leave this Settlement, and some that stayed spent their substance wayting in expectation when the said Grievance would be removed, others that were compelled to Settle in the woods, were descouraged to plant and improve their Plantations, for want of complete titles to their Lands. Their Lordships also left the Government of this Settlement uncertaine, and were pleased frequently to alter the same, those mutations happening on the neck of another occasioned beart-burnings and discontents amongst the inhabitants, and kept many in doubt whether they would settle here or not, which not only kept them from improving, but occasioned the wastings of their Estates, and so impoverished this settlement, That if your Honors make the people pay their arrears of their rent, it will endanger the ruin of the greatest part of the Planters, and force them to suffer their lands to revert to their Lordshipps, all which we make known and lay before your Honours. And further add, since now the considerable trade of Charlestowne hath gained it the reputation of a wealthy place, (which we are credibly informed and have reason to believe) hath encouraged several pirates to attempt the plundering and burning of the same, which cannot be prevented but by fortifying itt, which is now under our consideration, but cannot be

done without very great charge to the inhabitants of this their Collony, which, notwithstanding being sensible of the necessity thereof, we are willing to accomplish, therefore we humbly beg your Honors, that for the reasons aforesaid, your Honors will be pleased to forgive the arrears of rent to the Inhabitants of this part of their province, it will the better encourage and enable us to undertake the Great but necessary charge of fortifying Charlestion, the only place of trade and strength in the whole Province, & which being lost will necessarily unsettle & ruin this now thriving Colony, & will oblige us to provide for the certaine payment of their rents hereafter, & make the collection thereof very easy.

The Humble address and remonstrance of the members of the House of Commons of the South West part of this Province.

Feb. 1698-9.

Your Lordshippes Gracious and Condesending Powers to our Late Governor, John Archdale, Esqr., to enact, with the advice and consent of your Deputies and General Assembly, such Laws as they shall think Expedient, and to alter any former Laws that should be thought fitt to be altered, hath by the laws made and altered by virtue of the said powers, been so advantageous to all the inhabitants of this your Collony, that wee are and ever shall be obliged to recognize your Lordshipps favour thereby, and doth further encourage us to remonstrate to your Lordshipps our present Grievances, and to address you for the removal of them, and your assents to some new Laws which your Deputies says they have not power to joine with us to remove and enact. They are soe indifferent to your Lordshipps interest, different from the fatherlike care which you have shown to us, and soe agreeable to your Lordshipps Royall Powers and Prerogatives, Granted to you by your Charter, and not disagreeable to the Laws of the Kingdome of England, but soe generally conduceing to the welfare, Peace and Prosperity of the Inhabitants of this your Collony, That wee will not doubt of your Lordshipps Complyance with those little things compared to those many and Grand favours you have done us. Its true some of them are of that nature, that we know that your Lordshipps cannot doe them yourselves, & that your Lordshipps Interest with his most gracious magesties is great enough to secure them for us.

1st. That the Governor & your Lordshipps Deputies have not with the advice & consent of the General Assembly, that power to repeale such Laws (if thought expedient,) confirmed by your Lordshipps, & alsoe are so limited by instructions, that they want such power as is necessary for the better Government of this your Lordshipps Collony.

2nd. That the Government pretends to putt in practice & force an act, entitled an act for the restraining of Privateers & Pirates, dated the day of which was never made according to any of your Lordshipps instructions, Rules of Government & Constitutions, nor with the consent of the major part of the Delegates of the people, and which also wants a confirmation, under hand & seal in open Assembly.

3rd. That the high Sheriff is continued in office longer than one year.

4th. The office of high sheriff & Judges of the Court of Pleas is conferred upon one & the same person.

5th. That there is not an exemplified copy in this Government of the King's most Gracious Charter.

6th. That such great Tracts of land are taken up & yett permitted to be taken up in one entire piece to the great prejudice of this your Lordshipps Collony & the inhabitants thereof.

7th. Wee therefore request your Lordshipps, that for the future that no greater quantities than one thousand acres of Land may be taken up in one entire piece, which will much strengthen this Settlement.

8th. That your Lordshipps would also condescend & Grant for the further encouragement of the Inhabitants of this your Collony, the freedom of your Loyalty of whale fishing for one & twenty years.

9th. And with humble submission to your Lordshipps we further request that your Lordshipps would condescend to give and order us the liberty of coyning here, which power & Royalty we have great reason, tho, not particularly expressed, to believe His late Majestie in his Letters patent hath granted to your Lordshipps.

10th. That your Lordshipps would interceed with his most Gracious Majesty for the taking of duty off Rice, turpentine, pitch & tar imported from this Provincee, & such further encouragement for the importation thereof, as your Lordshipps shall think requisite & necessary for the advancement of this your Collony.

11th. And also that your Lordshipps would procure some Zant & other late ripe Grapes, both plants and seeds, with Capers, French Prunellas, Smirna Carrans, & the severall sorts of rice, all which we are in great hopes may be produced here.

12th. That your Lordshipps would procure & send us, by the first opportunity, a modell of a Rice mill.

All which we refer to your L'dshipp's consideration, and doubting not but your Lordshipp's will redress our grievances & all things that lies in your L'dshipp's power for the advancement of this your Collony, & us the Inhabitants thereof, with great assurance. We believe you will use your utmost power to procure.

S. P. O. PROPRIETIES, B. T., VOL. 3, p. 171.

E. Randolph to the Lords of Trade, 16 March, 1698-9.

May it please yr. Lordships,

After a dangerous voyage at Sea, I landed at Charles Town, in the Province of So. Carolina, & soon after my arrival, I administered the Oath to Mr. Jos. Blake, one of the Proprietors & Governor of this Province. But he is not allowed of by his Mat^{rs}. Order in Council to be Gov^r., the Act of Parl^t. for preventing frauds being not taken notice of by the Proprietors.

There are but few settled Inhabitants in this Province, the Lords have taken up vast tracts of lands for their own use, as in Colleton County & other places, where the land is most commodious for settlement, which prevents peopling the place, & makes them less capable to preserve themselves. As to their civil Gov^rnt., 'tis different from what I have met with in the other Proprieties. Their Militia is not above 1500 Soldiers White men, but have thro' the Province generally 4 Negroes to 1 White man, & not above 1100 families, English & French.

Their Chief Town is Charles Town, and the seat of Gov^r. in this Province, where the Governor, Council & Triennial Parliam^t. set, & their Courts are holden, being above a league distance from the entrance to their harbour mouth, wth is barred, & not above 17 foot water at the highest tide, but very difficult to come in. The Harbour is called by the Spaniards, St. George ; it lyes 75 leagues to the Northward of St. Augustine, belonging to the Spaniards. It is generally laid down in our English maps to be 2 deg., 45 min., within the southern bounds of this Province. In the year 1686, one hundred Spaniards, wth Negroes & Indians, landed at Edistoe, (50 miles to the southward of Charles Town,) & broak open the house of Mr. Joseph Moreton, then Governor of the Province, & carried away Mr. Bowell, his Brother-in-law, prisoner, who was found murdered 2 or 3 days after ; they carried away all his money & plate, & 13 slaves, to the value of £1500 sterl^{ng}, & their plunder to St. Augustine. Two of the Slaves made their escape from thence, & returned to their master. Some time after, Gov^r. Moreton sent to demand his slaves, but the Gov^r. of St. Augustine answered it was done without his orders, but to this day keeps them, & says he can't deliver them up wthout an ord^r. from the King of Spain. About the same time they robbed Mr. Grimball's House, the Sec. of the Province, whilst he attended the Council at Charles Town, & carried away to the value of above £1500 sterl^{ng}. They also fell upon a settlement of Scotchmen at Port Royal, where there was not above 25 men in health to oppose them, The Spaniards burnt down their houses, destroyed & carried away all that they had, because (as the

Span^{ds}. pretended) they were settled upon their land, and had they at any time a superior force, they would also destroy this Town built upon Ashley & Cooper Rivers. This whole Bay was called formerly St. George's, which they likewise lay claim to. The Inhabitants complained of the wrong done them by the Spaniards to the Lords Proprietors, & humbly prayed them (as I have been truly informed) to represent it to His Ma^r., but they not hearing from the Lord Prop^{rs}, fitted out two vessels with 400 stout men, well armed, & resolved to take St. Augustine. But Jas. Colleton came in that time from Barbadoes with a Commission to be Gov^r., & threatn'd to hang them if they proceeded, whéreupon they went on shore very unwillingly. The Spaniards hearing the English were coming upon them for the damages, they left their Town & Castle, & fled into the woods to secure themselves. The truth is, as I have been credibly informed, there was a design on foot to carry on a Trade with the Spaniards.

I find the Inhabitants greatly alarmed upon the news that the French continue their resolution to make a settling at Messasipi River, from [whence] they may come over land to the head of Ashley River wthout opposition, 'tis not yet known what care the Lord's Prop^{rs} intend to take for their preservation. Some ingenious gentleman of this Province (not of the Council) have lately told me the Deputies have talked of mak^g an Address to the Lords Prop^{rs} for relief, But 'tis apparent that all the time of this French War they never sent them one barrel of powder or a pound of lead to help them. They conelude they have no reason to depend upon them for assistance, & are resolved to forsake this Country betimes, if they find the French are settled at Meschasipi, or if upon the death of the King of Spain these Countries fall into the hands of the French, as inevitably they will (if not timely prevented), and return with their families to England or some other place where they may find safety & protection. It was one of the first questions asked me by several of the Chief men at my arrival, whether His Ma^r. had not sent over some soldiers to preserve them from the French, saying they might all live in this plentiful Country if His Ma^r. will please to allow them half pay for 2 or 3 years at furthest, that afterwards they will maintain themselves & families (if they have any) in making Pitch and Tar & planting of Indian Corn, His Majesty will thereby have so many men seasoned to the Country ready for service upon all occasions, five such men will do more service by sea or land than 20 new rais^d men from home, they may be brought hither in the Virginia outward bound Ships, 100 or 150 men in a year, till they are made up 1000, it will save the charge of transporting so many another time 2 or 3000 leagues at sea. I heard one of the Councel (a great Indian Trader, & has been 600 miles up in the Country west from Charles Town) discourse that the only way to discover the Mes-

chasiipi is from this Province by land. He is willing to undertake it if His Ma^r. will please to pay the charge w^{ch} will not be above £400 or £500 at most; he intends to take with him 50 white men of this Province and 100 Indians, who live 2 days journey east from the Meschasipi, and questions not but in 5 or 6 months time after he has His Ma^r's commands & instructions to find out y^e mouth of it and the true latitude thereof.

The great improvement made in this Province is wholly owing to the industry & labour of the Inhabitants. They have applied themselves to make such commodities as might increase the revenue of the Crown, as Cotton, Wool, Ginger, Indigo, &c. But finding them not to answer the end they are set upon making Pitch, Tar & Turpentine, and planting rice, & can send over great quantityes yearly, if they had encouragement from England to make it, having about 50,000 Slaves to be employed in that service, upon occasion, but they have lost most of their vessels, which were but small, last war by the French, & some lately by the Spaniards, so that they are not able to send those Commodities to England for a market, neither are sailors here to be had to man their vessels.

I humbly propose that if His Ma^r. will for a time suspend the Duties upon Commodities, and that upon rice also, it will encourage the Planter to fall vigilantly upon making Pitch & Tar, &c., w^{ch} the Lords Prop^r. ought to make their principal care to obtain from His Ma^r. being the only way to draw people to settle in their Province, a place of greatest encouragement to y^e English Navy in these parts of y^e world. Charles Town Bay is the safest port for all Vessels coming thro' the gulf of Florida in distress, bound from the West Indies to the Northern Plantations; if they miss this place they may perish at sea for want of relief, and having beat upon the coast of New England, New York, or Virginia by a North West Wind in the Winter, be forced to go to Barbadoes if they miss this Bay, where no wind will damage them and all things to be had necessary to refitt them. My Lords, I did formerly present Your Lordships with proposals for supplying England with Pitch & Tar, Masts & all or Naval Stores from New England. I observed when I were at York in Sept^r. last, abundance of Tar bro^t down Hudson's River to be sold at New York, as also Turpentine & Tar in great quantities from the Colony of Connecticut, I was told if they had encouragement they could load several Ships yearly for England. But since my arrival here I find I am come into the only place for such commodities upon the Continent of America; some persons have offered to deliver in Charlestown Bay upon their own account 1000 Barrels of Pitch and as much Tar, others greater quantities provided they were paid for it in Charles Town in Lyon Dollars passing here at 5^s. p^r. piece, Tar at 8^s. p^r. Barrel, and very good Pitch at 12^s. p^r. Barrel, & much cheaper if it once

became a Trade. The season for making those Commodities in this Province being 6 mo^r. longer than in Virginia and more Northern Plantations; a planter can make more tar in any one year here with 50 slaves than they can do with double the number in those places, their slaves here living at very easy rates and with few clothes.

The inclosed I received from M. Girard, a French Protestant living in Carolina. I find them very industrious & good husbands, but are discouraged because some of them having been many years Inhabitants in this Province, are denied the benefit of being Owners & Masters of Vessels, which other the Subjects of His Majesty's Plantations enjoy, besides many of them are made Denizens. If this Place were duly encouraged, it would be the most useful to the Crown of all the Plantations upon the continent of America. I herewith enclose to Your Lordships a Draft of the Town and Castle of St. Augustine, with a short description of it by a Gentleman who has been often there. It's done exactly true, more for service than for show. The Spaniards now, the French, if ever they get it, will prove dangerous neighbours to this Province, a thing not considered nor provided against by the Lords Proprietors. I am going from hence to Bermuda, with His Ma^ry. Commissioners, to administer the Oath to the Gov^r. of that Island, with a Commission for the Judge and other Officers of the Court of Admiralty erected there, from whence I believe it necessary to hasten to the Bahamas Islands, where a Brigantine belonging to New England was carried in as a wreck. The Master & Sailors being pursued by some persons who had commission from Gov^r. Webb, believing they were chased by Spaniards, forsook their Vessel & went on shore among the Natives to save their lives.

All which is humbly submitted by

Your Lordship's

Most humble Servant,

ED. RANDOLPH.

The want of a small Vessel to support the loss of the Frigate, which was appointed by the Lords Commiss^rs. of the Admiralty to transplant me from one Plantation to another, makes me stay a great while at one place for a passage to another, which is uncertain, difficult & dangerous.

I have by the extreme of cold last Winter in Maryland and Pennsylvania, & by my tedious passage in the Winter time from New York to this place, got a great numbness in my right leg & foot. I am in hopes this warm climate will restore me to my health. I have formerly wrote to your Board & the Commiss^rs. of H. M. Customs, the necessity of having a Vessel to transport me from one Plantation to another.

I humbly pray Your Lordships favour to direct that the little

residence I am to make in these parts of the World, may be in this Province, & that a Vessel well manned may be sent me hither, which may answer all occasion, my intentions being not to lye idle, for when the Hurricane times come in these parts of the World, I can go securely to Virginia, Maryland & Pensylvania & New England, without fear of being driven from those Plantations by North West Winds, & when they come I can pass from one Plantation to another without difficulty

S. P. O. N^o. CAROLINA, B T. VOL. 3, p. 177.

From Charles Town in South Carolina.

14 March, 1698-9.

People.

The Number and quantity of the French Protestants,		
Refugees of the French Church of Charles Town, is	.	195
The quantity of the French Protestants of the French Church of Goes Creek, is	.	31
The quantity of the French Protestants of ye Eastern branch of Cooper River, is	.	101
The number and quantity of the French Protestants of the French Church of Santee River, is	.	111
<hr/>		
Total of the French Protestants to this day in Carolina,		438

I may undertake myself to procure every year, at the end of the bridge of Charles Town, fifteen hundred barrels of good tar, at 8^s. per barrel.

Fifty thousand weight of pine gum, at 10^s. pr. cwt., and a parcel of cypruss masts for the second and third rate of the English Man of War.

Per me

PETER GIRARD.

S. P. O. PROPRIETIES. B. T., VOL. 3, c. 19.

Ed. Randolph to the Earl of Bridgewater. 22 March, 1698-9.

Charles Town in South Carolina, March 22^d, 1698-9.

May it please Yor. Lo^r.

About the 10th of January past, one Cutler came from London hither with his Wife, he gave out that he had a Commission from his Majesty to search for Mines in this Province, his Wife has brought over with her a stock and keeps a Miliner Shop in this

Town, he expects one Green to follow him, equally concerned with him (as he says,) in the search for mines, but neither he nor Green have been formerly in this Province. I hear from an intimate freind of Cutler's, that his dependance is wholy upon one Edward Loughton, (whose wives Sister Cutler married in London,) And one David Maybanck (another relation by Marriage,) to assist him, they have no knowledge of mines, further then what they have heard Indian Traders who live in the Savanore Town discourse, that there are Mines about that place, as 'tis commonly said there are in other places in the Province ; that which is talked of is 30 or 40 miles down the Savanore River, taken up when the River is dry, good for little or nothing.

Loughton and Maybanks are both house Carpenters and have lived about 16 years in this Town, they were in London not long agoe, 'tis probable they might infuse notions of Mines into Cutler & Green. That they knew where there were mines, and easily to be found if they could get a Commission from His Majesty to search, and some persons of quality to countenance them and money to bear their charges ; They returned about 5 years after. Now whether they are joyned with Cutler and Green is best known to your Lordship.

Cutler talks of going to the Savanore Town, about 120 miles from hence, with Loughton & Maybanks, to speak with the Indian Traders, he premises great matters to those who inform him of Mines. He has lately discoursed that your Lordship, the Earl of Pembroke & M^r. Blathwayt, are principally concerned. That your Lordships have got them a Commission to pay their passage & travelling charges.

My Lord,

I did enquire of a Gent. living in this Country, what profit has arisen to his Majesty by the 4th part of the Gold & Silver Mines in this Province, or whether they have given encouragement to any persons to discover them and work them. I hear of none.

Some time after, upon a Report that I was going to England, he sent me a letter, a Copy whereof I humbly inclose to your Lord^p, w^{ch}. I intended to shew to the Chancellor of the Excheqr. if I went home, or to transmit it to his Lord^p, by the next shipp^g. But since I find that your Lord^p, the Earl of Pembroke, to whom I have the honour to be known, and M^r. Blathwayt, are all engaged in the same design to promote the lasting benefit of His Majesty and his Kingdomes, I do therefore humbly inclose a Copy thereof to M^r. Blathwayt, in case any should miscarry, how far your Lord^p. now will please to communicate this to the Chancellor of the Excheqr., I humbly submit to your Lordship.

M^r. James Moore (who sent me yr letter,) is a Gentleman of a good Estate in this Country, he is Secy. of the Province and a Deputy to S^r. John Colleton, one of the Lords Prop^r. He told me when we first discourst about Mines, That if he were impowered

by His Majesty and had good encouragement for himself and his friend, he would forthwith, upon receipt thereof, take with him 50 White men and 100 of the Chiraknes Indians to be his Guard. That he had a Negro Smith. He desired me to be secured against the Lords Proprietors claime; to have all matters so accommodated that they might not seize upon the produce of his own cost & labour bestowed upon his Maj^{ts}. 4th Part, Whereas their Lordships have $\frac{1}{3}$ th. to set men to work upon for themselves; That he can employ his Estate & Slaves to greater profit. As to his own share which may arise to him from the Mines, he wholly submits that to his Majesty and to your Lordships, considering he is at all the charge of the discovering and opening them.

My Lord, As this is a matter of great import to the Crown if it succeed, so if it be not it will proove an utter ruin to Mr. Moor, if the Lords Proprietors know that he hath neglected their Lordships and made his proposalls in the first place to your Lordships, he will certainly be a double looser, for besides his great charge & travell to discover the Mines, The Lords Prop^{ts}. will, upon the first notice, turn him out of the Councill, and take from him his office of Secret^r., and engage the Gov^r. and Councill against him, to the destruction of himself & numerous family, and at last force him to leave the Country, as has been formerly practised upon men of good Estates in this Province.

Your Lordshipp may please for your further satisfaction of Mr. Moor's quality to be informed of M^r. W. Thornburgh, now one of the Lords Propriet^{rs}. and his Agent in London, (but of that tenderly,) as to any share to myself, 'tis his kindness to mention it. I have been for many years alwayes ready to serve y^e Crown, if your Lov^s. please to command, I will attend at Whitehall I am very sensible it will be necessary in many respects. In the meantime, I humbly pray for the recovering of my health, that I may have leave to make my residence in Carolina in Winter time to avoid the extremity of cold in Virginia, Maryland, or those other Northern Plantations, and that I may have another Vessell that draws much less water then the Swift advice boat, lost by the carelessness of the Commander in Virginia last Winter, with liberty to have an able Coaster, well acquainted with the dangerous flats and sands upon all the shoars from this place to New England, where his Maj^{ts}. service will very often require me, the loss of that Vessell makes my passage tedious, dangerous and troublesome, I shall thereby be freed from the hurricanes in the extremity of hot weather in these parts of America. All w^{ch}. is humbly submitted by

ED. RANDOLPH.

" Communicated by his L^{ds}. to y^e Board."

Rec^d. y^e 15th. Read 19th June, 1699.

S. P. O. PROPRIETIES, B. T., VOL. 3, c. 21.

[*Capt. Moore*] to *M. Tho. Cutler.* 3 April, 1699.

Apr. 3^d, 1699.

M^r. CUTLER,

S^r.—Itt is reported here (how truely I know not) that you are come hither by His Maj^a. Command, or encouragement to discover and look for Mines of Silver, &c., or to make essay of some already pretended to be discovered, and to give His Majesty a certain relation of the being such a thing, the place where, & its value.

I am exceeding^r glad, S^r, to know His Majesty is pleased to take notice of and encourage such a worke, but fearing the unacquaintance you have with our country, hath made itt too difficult (If not impossible) for you to make any certain discovery of any such thing, or that you may go home wth. some plausable account of such a thing, which, when itt comes to tryall, may be either false or of no value. And thereby his Majesty may be made unwilling to hearken to any other offers made of that nature, tho' certaine, I will give you an Acc^t. of what observations of that sort I have made in my travals among the Indians. In the year 1691 I made a journey into the Apalathien Mountains, in which journey I took up seaven pieces of oar in seaven severall places, which oar I sent to England, by an ingenious freind of mine, to be tryed; he had itt tryed, and gave me an acc^t. that two of the seaven pieces proved very rich and one indifferent, the other four of noe value. I numbered every peice of Oar, and directed my friend to keep a particular acc^t. of the number of every peice of value, for by that I could have gone to the place directed I found the same in, which I doubt not but he did, and had come hither with it himself. If Death had not prevented; however, with a little more trouble and expence of time, by the help of my Journale, I can goe to every Individuall place I found all the severall sorts in.

The War between the Crowns of England and France made me forbear to take any notice or make any discovery of this before this time, fearing least the report (which generally in such matters far exceeds the truth) of the richness of these mines, might have encouraged the French King from Europe, or by his American privatearing Subjects, to have invaded this, our little weak Collony, And so we, his Mat^{ies}. subjects, have been ruined and the Crowne have lost this Plantation, which I foresee will in time be the most usefull and profitable of any of the American Plantations to his Majesty. Now by the peace between the Emperour and Turk, and the recovery of the King of Spain, the peace between the Crownes of England and France seems better confirm'd and lasting, I hope the richness of these mines will encourage His Majesty, before another War happens (which God avert), to

people this place so well, either with Souldiers or Planters, the last will be best and cheapest for His Majesty. That we shall have no occasion to fear the attempts of any Foreign power.

I think the workeing of these Mines will be of a vast advantage to the Crowne of England, and the occasion of enriching and strengthning this His Majesties weak Plantation.

You may make use of this Information of mine as you think fitt or conveinient, either for communicating of itt to the King or the Lords Commissioners of Trade, or to such other persons of honr. and interest you think fitting to make the same known to his Majesty. And if his Majesty be pleased to take notice of itt, I desire that a man that perfectly understands the separation of the silver from the Oar may be sent over to me as soon as possible; if the thing prove nott good, according to this my Information, I will pay the man's passage hither & home againe, and a reasonable Salery for the time he shall be out from home, But expect then he shall be wholely att my command duriung that time.

If the thing prove good & well, I doubt nott butt his Majesty will bear all the charge, and consider me, as in such cases is usuall. And I shall deserve, and hop shall nott be the less rewarded, because I putt nott his Majesty to a penny charge unless a certaine profit be the consequence of what I here propose. After I have satisfied his Majesty that what I now propose will be worth his notice, and he thinks fitt to concern himselfe in it, I will humbly propose to his Majesty, or such other persons as he shall think fit to entrust with the management of this matter, som ways and methods for the working of the same cheape and easy.

J. HORTON.—Witness to the preamble, & that He will justifie whatever is here inserted.

S. P. O. PROPRIETIES. B. T., VOL. 3, c. 20.

*"Memorial from M^r. Tho. Cutler, who is lately returned from
"Carolina, where he has been in order to discover Silver
"Mines there."*

"Rec^d. & Read June 19th, 1699." [Indorsed.]

To the Right Hon^{ble}. the Lords Com^{rs}., for Trade and Plantations.

The Humble Memoriall of Tho. Cutler, Sheweth—

That I arrived with M^r. Good the 4th December last at Charles Town in Carolina; that we applyed our selves to our Friends there, who had suffered great loss by the late Fire, and were busied in rebuilding their Houses. That during the winter I made it my care and business to get the best acc^t. and information

I could possibly procure, in order to farther proceeding in the Spring, when I had the good fortune to be intimately acquainted with one Capt^t. Moore, a person of known experience, judgment, and great power among the Indians, whom I found to have a more perfect knowledge of the mines than the persons I relied on, who has given me the acco^t. I have to offer to your Lordships. [Capt. Moore to Mr. Cutler.] Tho' my other two Friends doe not doubt but they shall be able to make good their report, and in order thereto they have with Mr. Good procured an Indian Trader & an Indian Hunter to goe up the Country, and to set forward y^e 20th of April on search thereof, from whom an acco^t. may be expected by the next Ship. But I being unwilling to loose any time in a matter that might further His Ma^{ts}. service, and strengthen our own report, I thought it my duty to acquaint your Lordships with this worthy person, who is the best able of any one in the Country to make such discovery, & successfully to carry it on for His Ma^{ts}. service, who is willing on his own charge, to demonstrate the truth of what he asserts, and I humbly hope he may have encouragmt^t. from yo^r. Lordships for the prosecution of it, or he will run a very great risque to be prejudiced in his own affairs in that Country by this, his proposal, because of the considerable post he has in that place, and dependence on y^e Lords Proprietors, who may not possibly think it their interest to encourage such discovery, but reather to obstruct it.

All which is most humbly submitted
to Yo^r. Lordship's consideration,
by THO. CUTLER.

S. P. O. JOURNAL. B. T., VOL. 12, p. 191.

At a Meeting of His Majesty's Commiss^r. for Trade and Plantations.

Whitehall, Sep^r. 27, 1699.
Present.

Sir Philip Meadows,
Mr. Locke,

Mr. Pollexfen,
Mr. Hill.

A Letter to the Secretary from Mr. John Smith, one of the proposers for the discovery of silver Mines in Carolina, desiring their Lordships approbation of a person to be sent thither upon the request of Captain Moor of that place, for the tryall of Oares, was sent into the Board and read. And the said Mr. Smith, together with Mr. Cutler, another of the said Proposers, at the same time attending without, the Secretary was directed by the Board to acquaint them (and did it accordingly) that their Lord-

ships do not concern themselves nor meddle in what Captain Moor desires of them, & what they the said Smith and Cutler think fit to do upon his request.

S. P. O. PROPRIETIES. VOL. 3, B. T., p. 193.

W. Thornburgh to W. Popple.

21 July, 1699.

S^r.

I have herewith sent you a sample of our Carolina rice that the Rt. Hon. the Lords Commiss^{rs}. of Trade & Plantations may see what a staple the Province of Carolina may be capable of furnishing Europe withall. The Grocers do assure me its better than any Foreign Rice by at least 8^s. the hundred weight, & wee can have it brought home for less than 4^s. p^r. tonn, w^{ch}. is not dear.

As for Pitch & Tar, please to acquaint their Lordships that Capt. Man, whom we expect daily from Carolina, brings a considerable quantity by contract, made before he went hence. After his arrival their Lordships shall have a sample of that, & have a more particular account of the quantity may be yearly sent home, & at what rates from,

Sir,

Your most humble Serv^t.

W^m. THORNBURGH.

Skinner's Hall, July 21st, 1699.

To W^m. POPPLE, Esq.

To his Excellency John Granville, Esq., Palatine, and to the rest of the true and absolute Lords and Proprietors of the Province of Carolina.

The Representation and Address of several of the Members of this present Assembly return'd for Colleton County, and other the Inhabitants of this Province, whose names are hereunto subscribed.

May it please Your Lordships:

Altho the miserable Estate of this Colony, will be sufficiently known to Your Lordships, from the relation of John Ash, Esq., who is fully instructed by us to remonstrate our Grievances to Your Lordships; yet we think our selves exceedingly bound & obliged to lay before you what we think does concern Your Lordships Honours, and the People's rights and privileges; For if the Question were about matters of small moment, we should be

ashamed to be importunate, and unwilling to give the least trouble to Your Lordships; but considering that the very Foundation or our lawful rights, hath of late been struck at by Persons, who have more regard to their private Interest than the publick good, we humbly conceive, that it cannot stand with the Duty we owe to our selves as *Englishmen*, or to our Posterity, to sit down contented with less than that which every Liege and Freeborn Subject of the Crown of *England* may, and of right ought to have. And, therefore, lest our silence should be prejudicial to so important a cause, we humbly crave Your Lordships leave, faithfully and impartially to represent to you the great and notorious violations & infringements of our Laws and Liberties, under which we suffer.

We shall go no further back, but date the unhappy cause & grounds of our Complaints from & immediately after the death of the late Governor Blake; For the choice and election of a Governor to succeed him being intrusted with Your Lordships, Deputys here, that Person amongst your said Deputys, who made the strongest Party in the Counsel, did carry the Government by perverting the design & breaking thro' the rules and Instructions agreed to by Your Lordships for such election. And this manifestly appeared in the unjust election of the late Governor *Moore*, in prejudice of Landgrave *Morton's* title, who (after he was elected by a majority of the Council then present) was objected against by the said *Moore*, and excluded only because he had accepted of a commission from the King: And as the said *Moore* acquired & obtained the Government of this Province by fraud, flattery & trifling exceptions as aforesaid; so has he endeavoured ever since to manage all things by base & indirect methods, & crafty projects, which made his Government miserably unfortunate to us all. The great personal debts & necessities which the said late Govr. *Moore* had to struggle with, may well be thought to have put him upon, & prompted him to designs to enrich himself at the publick peace & welfare: And because these his designs cou'd not possibly be effected by himself alone, he knew very well that to engage the Council to his interest, & to have an Assembly chosen to his liking, would be the way effectually to compleat & accomplish his ends & purposes: Thereupon 'tis manifest, there being vacancies in the Council for Persons fit & worthy to represent Your Lordships, & Your Lordships, pleasure not being then signified & known therein, those very Vacancies were supplied by such Persons whom he beforehand knew, & was well satisfied & assur'd would be for his use & purposes; and it's as well known, that the Debates and Consultations of the Council have all along been carried on, and managed to the ends aforesaid.

And pursuant to his said design, he did by indirect Practises endeavour that such an Assembly might be chosen as would be agreeable in their temper and disposition with his designs & reso-

lutions : This was to be brought about, tho' the very foundations of our *English* rights and liberties were undermin'd & utterly subverted in the attempt.

I. We therefore in the first place humbly represent to Your Lordships, and we do assert and maintain, that it is one of the fundamental rights & unquestionable Privileges belonging to *English-men*, that all Elections of their Representatives to serve in Parliament ought to be free & indifferent, without any prayer or commandment to the contrary; and that no Alien born out of the Allegiance of the Crown of *England*, unless he be otherwise especially qualifed, ought to elect for, or be elected to serve as a Member of Assembly ; all which notwithstanding at the election of Members of Assembly to serve for Berkley County made in the month of November, 1701, there were several great abuses made & committed against the ancient usages & customs of this Province, & contrary to Law, particularly an Act entitled, *An Act for regulating Elections, &c.*, & to the great dissatisfaction & manifest prejudice of the several Inhabitants of this Province, candidates & others. For so it was, may it please Your Lordships, that at the said Election, much threat'nings, many intreaties & other unjustifiable actions were made use of, & illegal and unqualify'd votes given in to the Sheriff, & by him receiv'd & returned ; particularly the votes of very many unqualify'd Aliens were taken & enter'd, the votes of several Members of the Council were fil'd & receiv'd, a great number of Servants & poor & indigent persons voted promiscuously with their Masters & Creditors, as also several free Negroes were receiv'd, & taken for as good Electors as the best Freeholders in the Province. So that we leave it with Your Lordships to judge, whether admitting Aliens, Strangers, Servants, Negroes, &c., as good and qualified Voters, can be thought any ways agreeable to King *Charles'* Patent to Your Lordships, or the *English* Constitution of Government.

II. We represent to Your Lordships, that when at the Meeting of the Assembly, divers Candidates, by Petition by them exhibited, pray'd to be heard against the return of the Sheriff for *Berkly* County, of the Election aforesaid, & insisted upon their right, & that the Sheriff's return was false and illegal ; and the said Assembly the better and more impartially to inquire into the ill practises at the said Election, did first of all resolve to begin upon Privileges & Elections, that the late Governor *Moore*, to prevent such inquiry, did several times prorogue the said Assembly.

III. That when the said Assembly were at last suffer'd to sit, the Inquiry and Examination into the Sheriff's return of the last Election was obstructed, & industriously prevented, by setting on foot an ill laid design of raising Forces to attaque St. Augustine.

IV. That notwithstanding Your Lordship's repeated commands to your Deputies to procure a good regulation of the *Indian* Trade, on which our friendly correspondence with all our Neigh-

bouring *Indians*, & the peace & safety of this Colony chiefly depends, yet the said late Govr. *Moore* has been, by his Artifices, the chief (if not the only) occasion of obstructing the same, designing nothing less than ingrossing the same for himself & accomplices ; having already almost utterly ruin'd the Trade for Skins & Furs (whereby we held our chief correspondence with *England*) & turned it into a Trade of *Indian* catching or Slave-making, whereby the *Indians* to the *South & West* of us are already involv'd in blood & confusion ; a Trade so odious and abominable, that every other Colony in *America* (altho', they have equal temptation) abhor to follow.

V. That the said late Govr. *Moore* did grant Commissions to *Anthony Dodsworth*, *Robert Mackoone* & others, to set upon, assault, kill, destroy, & take captive as many *Indians* as they possible could, the profit and produce of which *Indian* Slaves were turn'd to his private use ; whereas such Undertakings, unjust and barbarous in themselves, will in all probability draw upon us an *Indian War*, with all the dreadful consequences of it.

VI. We represent to Your Lordships, that the late unfortunate, ill contriv'd, & worse managed expedition against St. Augustine was principally set on foot by the said late Governor & his Adherents ; & that if any Person in the said late Assembly undertook to speak against it, & to shew how unfit & unable we were at that time for such an attempt, he was presently look'd upon by them as an Enemy & Traitor to his Country, & reviled & affronted in the said Assembly, altho' the true design of the said Expedition was no other than catching and making Slaves of *Indians* for private advantage, and impoverishing the Country. And this will plainly appear, when Your Lordships know that Your Country is brought more in debt at this time, & upon this occasion, than ever since it's first Settlement, if we put all the debts we have owed together. And that the Expedition was to enrich themselves will appear particularly, because whatsoever Booty, as rich Silks, great quantity of Church plate, with a great many other costly Church Ornaments & utensils taken by our Soldiers at *St. Augustine*, are now detain'd in the possession of the said late Governor & his Officers, contrary to an Act of Assembly made, for an equal division of the same among the Soldiers.

VII. That the said late Governor would have had the said Expedition against *St. Augustine* begun and undertaken before the War with *Spain* was proclaimed here ; & this was vehemently urged by his interest in the said Assembly ; but with much ado, being put to the vote, was carried in the Negative. And when at last the Expedition was ordered, the management of the said late Governor was such in all it's steps, particularly in relation to his shameful retreat, & burning the Country's Vessels, that we are ashamed to mention the same, till we have a free Assembly, before which the matter may be fairly tried, which is

the only thing the said late Governor & his adherents are most afraid of.

VIII. That in the said late Assembly, the Constitutions sent by Major *Daniel* were offer'd for their passing, urg'd with great strength of reason for to have them pass'd by Mr. *Ash*; but they were opposed by Mr. *Trott*, Mr. *Howes* & others, the said Governor's Creatures, & several reflecting Words used by the said *Trott* & *Howes* concerning them, exposing the Constitutions as ridiculous and void in themselves; thereby endeavouring (notwithstanding Your Lordships care of us) to keep the people in an unsettled condition, that from time to time they might the more easily be imposed on by them.

IX. That after the People returned from St. Augustine, the time for the said Assembly to meet, according to the last Prorogation, was just at hand; when they met, they went upon the Inquiry of the charges the Country had been at in the said Expedition, and were upon debate for the finding out ways and means for the payment of the Country's debts, for securing the Colony, for the settling of Elections for the future, and for granting as much freedom to the *French* and other Aliens as could be granted by the Assembly, or the *French* reasonably expect. *A Bill for the better regulating Elections*, passed the lower House twice, and was sent up to the said Governor & Council, where it was rejected without so much as a Conference; upon which several of the Members, jealous of their Privileges, & being so ordered by those that sent them, left the House, first entering their Protestation, a Copy of which Mr. *Ash* has to shew Your Lordships & to which we refer you.

X. But what we have yet to represent to Your Lords^{hs}. makes very deep impressions on us, and is not to be thought on by us, but with the greatest regret & concern. For altho, the Members of the late Assembly, who protested and did leave the House as aforesaid (hoping that the next day they might find things in better order, and some temperating means found out, which might have given some tolerable assurance of having their Liberties secured) went every one of them to the House on the morrow & frankly offer'd to sit longer, if the rest of the Assembly would join with them to assert their rights; but instead of any compliance, they were abus'd, revil'd, and treated with the most reflecting language imaginable, very unbecoming an Assembly. And we further represent to Your Lordships, that in a day or two after such abuse given to them in the House, several of the said Members, viz.: the said *John Ash, Esq.*, *Landgrave Thomas Smith*, and others were assaulted & set upon in the open Street, without any provocation or affront by them given or offered. The said *Thomas Smith* was set upon by Lieut. Col. *George Dearsby*, who with his Sword drawn, and the point held at the said *Smith*'s belly swore he would kill him, and if he had not been prevented, would

have done the said *Smith* some considerable mischief, to the endangering of his life. The said *John Ash* walking along the Street, was assaulted by a rude, drunken, ungovernable rabble, headed, encouraged & abetted by the said *Dearsby, Thomas Dalton, Nicholas Nary*, and other persons Inhabitants who set upon the said *Ash*, used him villainously & barbarously: and that Evening, when he the said *Ash* was retired into a friend's chamber for security, the same armed multitude came to the House where the said *Ash* was, & demanded him down, assuring him at the same time that they would do him no hurt, but only wanted to discourse with him; upon which assurance he came down to them; who notwithstanding, being encouraged and assisted by Captain *Rhett* & others drew him by force and violence on board his the said *Rhett's* ship, reviling & threat'ning of him as they drag'd him along; and having gotten him on board the, said *Rhett's* ship, they sometimes told him they would carry him to *Jamaica*, & at other times threatn'd to hang him or leave him on some remote Island.

XI. That the said late Governor had the same way (immediately before the Riot began) treated a great many of the persons concerned therein, and used such expressions to them, as gave them, next their Drink, the greatest encouragements for what they acted, by telling them that the Protesting Members would bring the people on their Heads for neglecting to pay the Country's debts, which if it shd. happen he knew not who could blame them; in the mean time he thanked them for their close adherence to him in all his concerns. And after the riot began (of part of which he was an Eye-witness) having first drank with some of them, he withdrew himself out of the way, thereby giving them greater encouragement to proceed in their tumultuous practises, and by example and absense discouraging the inferior officers from executing their Duty.

XII. That whilst the said riot continued, which was four or five days, Landgrave *Edmond Bellinger*, who was a Justice of the Peace, there being no other to be seen that understood his office, went out to suppress & record the aforesaid riot; but the rioters no sooner saw him than they called him all the opprobrious Names they could think of, and the said *Rhett* came up to him & struck him over the Head with his cane, & continued beating & striking of him for a considerable time, as by the said record here-with sent your Lordships will more fully appear.

XIII. That the said rioters beat and abused Mr. *Joseph Boone* & put him in danger and fear of his life, without any Provocation by him given or offered; & that for four or five days successively, & at other times after, the said rioters unusually armed & weapon'd to the great terror of the people, frightned & terrified persons, that they were forced to leave the Town, their Affairs & Interests exposed to the mercy of a licentious rabble.

XIV. That some of the said rioters, whilst the riot was at the Church, went one night to the House of *John Smith*, a Butcher

in *Charles Town*; & there being a Woman big with child in the said House, they with force opened the Door, threw her down, & otherwise misused her, that she brought forth a dead child with the back and skull broken.

XV. That the said *John Ash, Thomas Smith, James Byres, Joseph Boone & others*, complained to the said late Governor & his Council, setting forth the abuses & barbarous usages they had met withal from the aforesaid rioters, & the danger they were yet in, for that the said rioters were still in arms &c. but they met with no other satisfaction from them, than that the said late Governor shifted off the matter; by saying it was a business fit for a Justice of the Peace; & being asked by *James Byres*, whether or not he looked on himself, as Governor, obliged to keep the Peace of the Province? he replied that was a Question he was not obliged to answer.

XVI. That before the next Sessions of the Peace holden for the said Province, Sir *Nathaniel Johnson* was proclaimed, & took upon him the Government, & then Mr. *Trott* had a Commission to be Judge, and the said late Governor was made Attorney General, so that it was in vain to expect any relief or remedy here. However, the said *Edmond Bellinger* did what in him lay to have the said riot inquired into, gave in the Record therof to the Bench, & some of the Grand Jury urg'd to have it presented, but to no purpose, for some of the Abettors of the rioters being of the Jury, & making Friends there, stopt the whole proceeding.

XVII. We further represent to Your Lordships, that contrary to the rights & priviledges which we ought to enjoy, the last Election of Members to serve for *Berkly County* was managed with greater injustice to the Freemen of this Province than the former. For at this last Election, Jews, Strangers, Sailors, Servants, Negroes, & almost every French Man in *Craven & Berkly County* came down to elect, & their Votes were taken, & the Persons by them voted for were returned by the Sheriff, to the manifest wrong & prejudice of other Candidates.

Things standing with us, as is before faithfully represented to Your Lordships, we thought it our duty, since we can have no remedy or relief in *Carolina*, to apply our selves to Your Lordships, whose Paternal care & concern for us, we question not, will be signally evidenced & extended unto us upon such occasions, & in such extremities: For when once our lawful Rights & privileges are denied us, when Foreigners & Strangers shall make our laws, when we can have no protection from those who ought, & are entrusted by Your Lordships, to see the Laws executed; when, in a word, Force is made the Arbiter of all differences, and all things reduced to a State of confusion, it is surely a time, if ever there be one, for a People to complain: & miserable are those Subjects who must be hectored & domineered over by their Fellow-Subjects, even by those who have hardly any other way to support their decayed Fortunes, but at the expense of the Publick. It

may be worth your Lordships while to reflect what might have been the occasion, that so few persons of interest, honor & education come amongst us, & that good people go, & are going from us, when the Colony is in a thriving condition ; certainly it is because the *English Liberties*, that all her Majesty's Subjects in all other places in her Dominions justly claim, are notoriously trampled on, to the great discouragem^t. of Settlers. As to the *French*, they have hitherto lived peaceably, & with due encouragement amongst us ; but when we see & consider that they are often made tools of & imposed upon, & persuaded by ill-designing Persons here, to carry on sinister Designs, to the general disadvantage of the Country, & how easily they are drawn into Errors by reason they have not a right understanding of our Language, & are ignorant of our Laws, we can't imagine that we do them any hurt, by making good and wholesome Laws for us & them, since we oblige them by no other Laws whatsoever, or upon any account, than what we our selves are obliged by, & live under. What then have we to entreat for & pray of Your Lordships ? Nothing less, than that Your Lordships would be pleased to take all and singular the premises into your serious considerations, to settle & establish the peace of this Colony on such a sure Foundation, that it may be beyond the Wit and Malice & out of the power of ill-designing Men to disturb it for the time to come. And lastly we, on behalf of ourselves & Her Majesty's Liege Subjects, Inhabitants of this Province, do more especially pray & desire Your Lordships, that you would be pleased to give directions for calling a free General Assembly, which will undoubtedly assist Your Lordships to redress & remove the Grievances aforesaid, settle the peace & prosperity of this Colony & procure that cheerful obedience which ought to be rendered to Your Lordships under her present Majesty ; carrying with it the offer of our fortunes & best endeavors for her Majesty's & Your Lordships honors, as a real testimony of our thankfulness.

May it please Your Lordships,

All the Complaints & Grievances above exprest, cannot be supposed to be personally known & proveable by every of us the Subscribers of the same (tho there be none of us, but to our sad experience can witness too many of them) but we make no doubt, when Your Lordships shall order such a method for enquiry into the truth of the premises, as may be free, without partiality & brow-beating of the persons to be examined thereon, they will be made as evident, as that the Sun at noon shines in our Hemisphere.

That Your Lordships may long & prosperously live, is the Prayer of, may it please Your Lordships, Your Lordships most humble & most obedient Servants.

Signed by above 150 of the

26 June, 1703.

Principal Inhabitants.

*To the Right Hon: the Lords Spiritual and Temporal in
Parliam^t. assembled.*

The Humble Petition of Joseph Boone, Merchant, on behalf of himself & many other Inhabitants of the Province of Carolina & also of several Merchants of London, trading to Carolina & the neighbouring Colonies of Her Majesty in America.

Sheweth to Your Lordships,

That the late King Charles II., by his Charter, under the great Seal of England, bearing date the 24 of March, 1663, did grant to Edward Earl of Clarendon, then Lord High Chancellor of England, George Duke of Albemarle, William Lord Craven, John Lord Berkley, & others, their Heirs & Assigns, all that Tract of Land in North America, commonly called Carolina, to be held of the Crown of England as a County Palatine, with power to them, their Heirs and Assigns, to make Laws for the good Government of the said Colony, with the advice, assent and approbation of the Freemen of the said Colony, and the greater part of them, so as the said Laws may be consonant to reason, and as near as conveniently can be agreeable to the Laws & Customs of England. But all these privileges, with others in the said charter, are granted with an express saving of the Faith, Allegiance & Sovereign Dominion due to the King, his Heirs & Successors, & saving the right, title & interest of English Subjects then planted within those Limits, if any be.

That for the better peopling the said Colony, express provision is made in the said Charter for a toleration and indulgence to all Christians in the free exercise of their religion.

That in the year 1669, the Lords Proprietors of the said Colony settled the method of the Government of the said Colony in several Articles, which were called and so agreed to be the Fundamental Constitutions of the said Colony, whereby the said Colony was divided into 4 Estates, viz., the Lords Proprietors or their Deputies, Landgraves, Cassiques & Freeholders, who are to make up their General Assembly or Parliament, which is the Legislature of the whole Colony. The Lords Proprietors or their Deputies, being in the nature of Sovereign, the Landgraves & Cassiques being the Nobility, who have an Hereditary right of Session there, The Freeholders representing the Commons, who are to be chosen by the Freeholders from among themselves by a majority of voices.

That in the said Fundamental Constitutions there is an express provision, that no person should be disturbed for any speculative opinion in Religion, and that no person should, on account of Religion, be excluded from being a Member of the General Assembly, or from any other Office of the Civil Administration. The

greatest part of which said Fundamental Constitutions, and this Provision among others, were, in the year 1689, confirmed by the Proprietors. And every person to be afterwards admitted into any office or place of trust, was to swear to the observation of them. That the said Charter being made soon after the time of the Happy Restoration of King Charles II., and the re-establishment of the Church of England by the Act of Uniformity, many of the Subjects of this Kingdom, who were so unhappy as to have some scruples about conforming to the rites of the said church, did transplant themselves and families into said Colony, by means whereof the greatest part of the Inhabitants there were Protestant Dissenters from the Church of England, & thro' the equality and freedom of the said Fundamental Constitutions of the said Colony, all the Inhabitants there lived in great peace, and even the Ministry of the Church of England had support from Protestant Dissenters, & the number of the Inhabitants and the trade of the said Colony daily increased, to the great improvement of Her Majesty's Customs, and the manifest advantage of the Merchants and Manufacture of this Kingdom.

That in the year 1703, when a new General Assembly was to be chosen, which by the Constitution is to be chosen once in two years, the election was managed with very great partiality and injustice, and all sorts of people, even Servants, Negroes, Aliens, Jews, & Common Sailors, were admitted to vote in Elections. That the Ecclesiastical Govern^t. of the said Colony is under the Jurisdiction of the Lord Bishop of London, But the Governor and his Adherents have at last, which the said Adherents had often threat'ned, totally abolished it. For the said Assembly hath lately passed an Act whereby twenty lay persons therein named are made a Corporation for the exercise of several exorbitant powers, to the great injury and oppression of the people in general, & for the exercise of all Ecclesiastical Jurisdiction, with absolute power to deprive any Minister of the Church of England of his Benefice, not only for his Immorality, but even for his imprudence or incurable prejudice and animosity between such Minister & his Parish, & the only Church of England Minister that is established in the said Colony, the Rev^d. Mr. Edward Marston, hath already been cited before their Board, which the Inhabitants of that Province take to be a High Ecclesiastical Commission Court, destructive to the very being and essence of the Church of England, & to be had in the utmost detestation & abhorrence by every Man that is not an Enemy to our Constitution in Church and State. That in the said General Assembly another Act was passed to incapacitate every person from being a Member of any General Assembly that should be chosen for the time to come, unless he had taken the Sacrament of the Lord's Supper according to the rites of the Church of England, whereby all Protestant Dissenters are made incapable of being of the s^t. Assembly; and

yet by the said Act, all persons who will take an Oath That they have not received the Sacrament in any Dissenting Congregation for one year past, tho' they have not received it in the Church of England, are made capable of being of the said Assembly. And we take the liberty humbly to inform Your Lordships, That in the Preamble to the said Act, It is asserted, That by the Laws and usage of England, all Members of Parliament are obliged to conform to the Church of England, by receiving the Sacrament of the Lord's Supper according to the rites of the said Church, which assertion is notoriously and manifestly false.

That this Act was passed in an Illegal Manner, by the Governor calling the Assembly to meet on the 26th of April, when it then stood prorogued to the 10th May following, and yet this Act hath been ratified by the Lds. Prop^{rs}. here in England, who refused to hear what could be offered against it, and contrary to the Petition of above 170 of the Chief Inhabitants of the said Colony, and of several Eminent Merchants trading thither, & tho' the Commons of the said Assembly quickly passed another Bill to repeal it, which the Governor rejected.

That the said Grievances daily increasing, Your Pet^r, Joseph Boone, is now sent by many Principal Inhabitants & Traders of the said Colony, to represent the languishing and dangerous condition of the said Colony to the Lords Prop^{rs}. thereof, but his humble applications to them have hitherto had no effect.

That the ruin of the said Colony would be to the great disadvantage of the Trade of this Kingdom, to the apparent prejudice of Her Majesty's Customs, & the great benefit of the French, who watch all opportunities to improve their own Settlements in those parts of America.

Whereof, Y^r. Pet^r. most humbly pray Your Lordships to take the deplorable state of the said Colony into your consideration, and to provide such relief for it as to Your Lordships, in your great wisdom shall seem proper, and your Petitioners shall ever pray, &c.

Ja. Ball,
Jos. Paice,
Ste. Mason,
Rt. Hackshaw,
Christo. Fowler,
Thos. Byfeld,
Renen,
Nat. Torriano,

Jos. Boone,
Micajah Perry,
Dan. Wharley,
Thos. Coutts,
Jos. Marshall,
Tho. Gould,
John Hodgkins,
Christo. Boone,

David Watenbous.

"The Case of the Protestant Dissenters in Carolina, shewing how a Law to prevent Occasional Conformity there, has ended in the Total Subversion of the Constitution in *Church & State*. Recommended to the serious consideration of all that are true

Friends to our present Establishment. Mutato nomine, de te Fabula narratur. London. Printed in the year 1706."

[This pamphlet (so frequently quoted by Oldmixon) was copied for me from the British Museum, and is referred to in the text as part of this Appendix. Its great length precludes its insertion. And, indeed, it affords us very little information that is not found in the Representation of the Members of Colleton County, previously given, and obtained from the same source.]

March [?], 1717.

To the Kings Most excellent Majesty,

The humble address of the Representatives and inhabitants of South Carolina.

Most Gracious Sovereign—

We, your Majesty's most dutiful and loyal subjects, the Representatives and inhabitants of the Province of South Carolina in America, out of the extreme gief we are under to see our Country still harassed, and our fellow subjects killed and carried away by our savage Indian enemies, with the utmost submission, are obliged again to intrude on your Majesty more weighty affairs, and presume once more to lay before your Majesty the state of this, your afflicted colony.

In our last humble address to your Majesty, we took the liberty to inform your Majesty of the deplorable circumstances we then labored under, without any probability of seeing an end to our calamities. Our troubles, instead of coming to a period, daily increase upon us, and we now see ourselves reduced by these, our misfortunes, to such a dismal extremity, that nothing but your Majesty's most Royal and gracious protection (under God) can preserve us from ruin. Our Indians continue committing so many hostilities, and infesting our settlements and plantations to such a degree, that not only those estates which were deserted at the breaking out of the war, cannot be resettled, but others are daily likewise thrown up to the mercy of the enemy, to the impoverishment of several numerous families.

We farther take the liberty to inform your Majesty that notwithstanding all these our miseries, the Lords Proprietors of this Province, instead of using any endeavors for our relief and assistance, are pleased to term all our endeavours to procure your Majesty's Royal protection, the business of a faction and party. We most humbly assure your Majesty, that it is so far from any thing of that nature; that all the inhabitants of this Province in general, are not only convinced that no human power but that of your Majesty can protect them, but earnestly and fervently desire, that this once flourishing Province, may be added to those under your happy protection.

We have, in our former address to your Majesty, laid before you the state of the Colony, so shall not presume to further tire your Majesty's Royal patience. We fear we continue to be too importunate to your Majesty; but the end and design of this, our loyal address, being no less than that of saving ourselves and estates from ruin; we humbly hope that your Majesty, out of your wonted goodness, will be pleased to pardon us for the same.

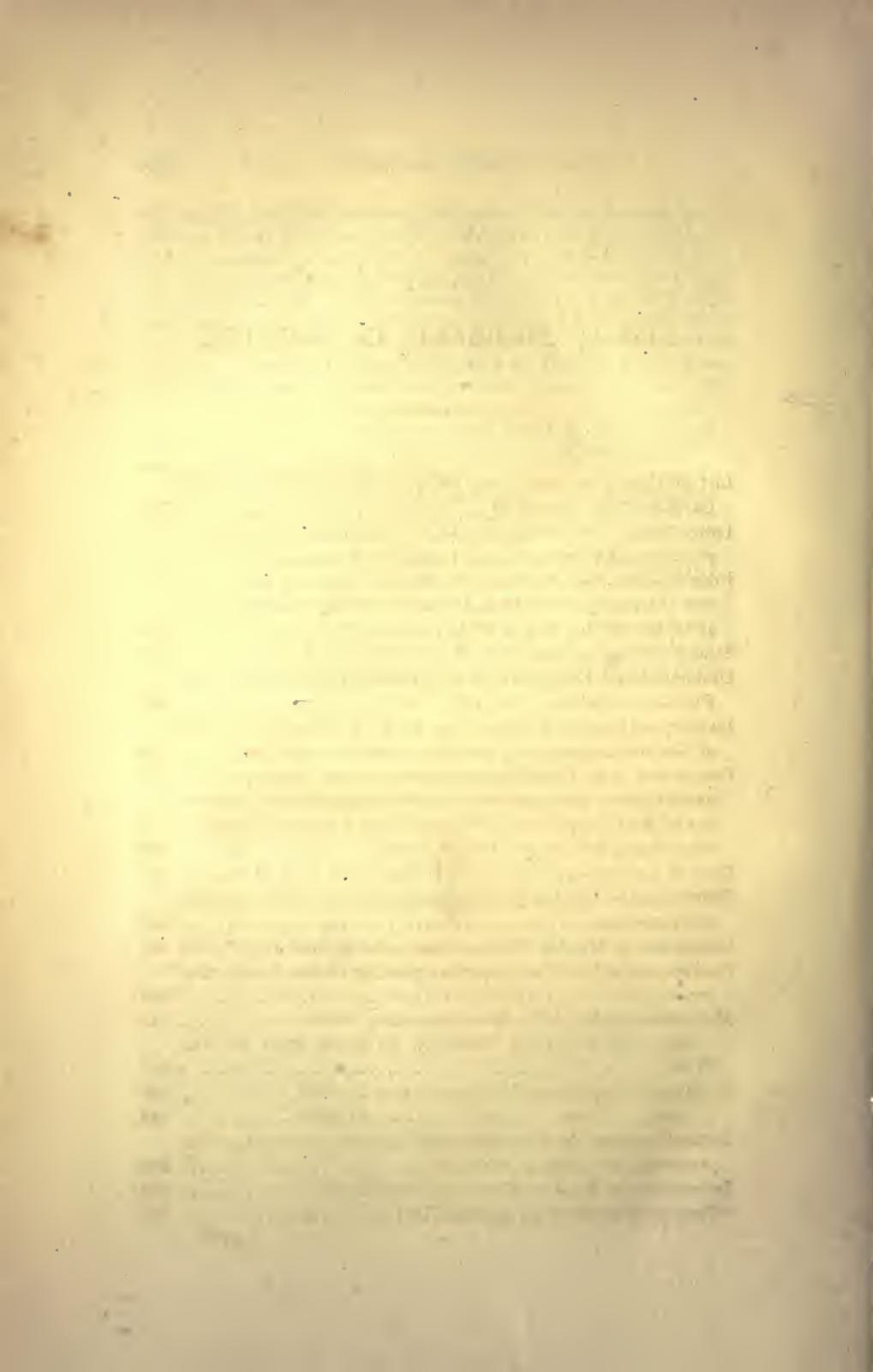
We wish your majesty a long and happy reign, and that there may never be wanting one of your royal line to fill the British throne.

Signed by Mr. Speaker, and the rest of the members attending the service of the House of Commons.

GEO. LOGAN, Speaker.

David Durham,	Ra. Izard,	Benj. De La Conseillere,
Tho ^s . Summers,	William Gibbon,	Charles Hill,
Tho ^s . Lynch,	Wa. Izard,	Jonathan Drake,
Richard Harris,	John Williams,	Thomas Waring,
John Godfrey,	Thomas Satur,	John Beamor,
Arthur Hall,	Hugh Hext,	Roger Moore,
John Woodward,	Richard Butler,	James Cochran.
John Russ,	Tho ^s . Townsend,	

Signed likewise by the rest of the inhabitants of this Province.



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THE END.

ERRATA.

PAGE LINE

25.. 5.. For Pilot's, read Means'.
28..14.. For Conexis, read Couexis.
31.. 1.. For these, read three.
33..24.. For Waterree, read Wateree.
36.. 1.. For Wateree, Chichanee, read Wateree-Chicanee.
38..25.. For Cowecta, read Ceweeta.
38..28.. For Monson's, read Mouson's.
71..10.. For received, read retained.
73..19..1677 refers to the addition of the Bahama Islands.
82..14.. For terms, read tenure.
84..28.. For vote, read veto.
97..15.. For Long, read Loch.
100..10.. For Stone, read Stono.
103..31.. For cause, read course.
107..10.. For was, read were.
107..20.. For difference, read differences.
109..15.. For connections, read conventions.
113..29.. For Munristu, read Munrister.
132.. 6 For matter, read master.
139..15.. For was, read were.
149.. 1.. For two warrants, read *Quo Warranto*.
157..27.. For Ball, read Bull.
167..30..(Used in granting land).
213..10.. For Hobeaw, read Hobcaw.
264.. 6.. For Wingaws, read Winyaws.
293..30.. For William Ball, read William Bull.

The author had not an opportunity to correct the proofs, and begs indulgence
for errors due to this source.





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